



2006 Session Summary

A summary of legislation
considered by the
Second Regular Session of the
114th Indiana General Assembly
November 22, 2005—March 14, 2006

Prepared by:
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State of Indiana

Senate

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This report was compiled to offer an overview of significant legislation considered by the Second Regular Session of the 114th Indiana General Assembly. Our Caucus Services Staff prepares this summary following the adjournment of each session to provide insight into the strategies and effects of key legislation in the areas of criminal law, economic development, education, finance, and health care to name a few.

On behalf of myself, Assistant Leader Vi Simpson and Caucus Chairman Jim Lewis, I hope you find this report useful.

If you have questions or would like a copy of any of the bills considered this year, please feel free to contact my office at 317-232-9427 or 800-382-9467 ext. 2-9427. Additionally, all bill information and interim committee hearing schedules are available on line at www.IN.gov/legislative/.

Sincerely,



*Richard D. Young, Jr.
Senate Democrat Leader*

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Bill Action History for '06

	<u>Introduced</u>	<u>Enacted</u>
Senate	394	107 (27%)
House	<u>435</u>	<u>86</u> (20%)
Total	829	193 (23%)

Senate Joint Resolution 2, a proposed amendment to the Indiana State Constitution, was the only joint resolution approved by both houses. It must also be approved by members of the 115th Indiana General Assembly in 2007 or 2008 before the amendment is eligible to advance to the electorate for final consideration. *(For more information on SJR 2, please refer to the section on 'Elections')*

Governor's action

- Bills sent to the governor 193
- Bills signed into law 193

Abbreviations included in this report

SB	Senate Bill
HB	House Bill
SEA	Senate Enrolled Act
HEA	House Enrolled Act
SJR	Senate Joint Resolution
CCR	Conference committee report
RC	Roll call

All roll calls referred to, with the exception of those that were 50-0, are included at the end of this report.

Agricultural & Rural Affairs

With the creation of the new Department of Agricultural and Rural Affairs in 2005, the 2006 legislature dealt with few agricultural bills. Among them were:

SEA 87 changes the name of the Office of Rural Affairs to the Office of Community and Rural Affairs (OFCRA), and creates an advisory board for the agency. The bill also eliminates the Rural Development Council and the Rural Development Administration and Rural Development Council funds by shifting those dollars to the new Rural Economic Development Fund. The bill also allows the Lieutenant Governor's Office to adopt rules to carry out its duties relating to energy policy, the Center for Coal Technology Research and the Recycling and Energy Development Board. (CCR1, RC 401: 49-0)

HEA 1065 increases the fees for registering and licensing pesticides in Indiana. Under the legislation, a portion of the additional revenue will be directed to Purdue University's pesticide program to create additional education programs and to fund the state chemist's work on pesticides. (3rd Reading, RC 209: 47-3)

HEA 1089 permits any Indiana city or town to exempt annexed agricultural land from property tax liability until the land is rezoned under a different classification. Under previous law, only Lake County municipalities and Plainfield, Avon, Michigan City, Westfield, Lapel, and Pendleton had this power. To be annexed, under this provision, the territory must be contiguous to the annexing municipality and the property owner must give consent. The bill also stipulates that if the local annexation ordinance is adopted after June 30, 2006, the property tax liability is exempted for a period of not more than 10 years. Proponents feel this legislation will allow communities to better prepare for future economic development projects, while opponents fear it is encouraging more sprawl. (3rd reading, RC 252: 41-8)

Consumer Protection

HEA 1016 has several components pertaining to alcohol and tobacco matters. The bill requires a person who trains alcohol servers and individuals who plan to train alcohol servers to hold a trainer certificate issued by the Alcohol and Tobacco Commission (ATC). The bill requires a certified trainer to renew a certificate every three years by filing a renewal application form, completing a refresher course, and paying a \$45 fee, and calls for certain retailer permittees, dealer permittees, or management representatives of the retailer or dealer permittees to be trained not later than 120 days after the date the permittee receives a permit.

Certain retailer permittees and dealer permittees must ensure that each alcohol server is trained not later than 120 days from the date the alcohol server begins employment. (Current law requires a retail permittee, dealer permittee, or management representative to be trained not later than 90 days after the date the permittee receives the permit and an alcohol server to be trained not later than 90 days after the date of employment.)

The measure requires that the ATC notify retailer and dealer permittees of the certification requirements at the time the permittees renew the retailer or dealer permits. The ATC must approve and establish training programs and provide a server certificate to individuals who successfully complete the program. Allows the ATC to: (1) observe training at any time; and (2) adopt rules to carry out the training and certification requirements.

The bill changes the deadline by which permittees and alcohol servers must be trained from January 31, 2008, to January 1, 2009. It provides that a primary source of supply or wholesaler may not provide an illuminated advertising sign to a dealer or retailer in a manner that violates the trade practice restrictions of the ATC or the law. Requires the ATC to issue a permit to the State Fair Commission, and allows for extended time for alcohol sales on New Year's Eve if New Year's Eve falls on a Sunday.

The new law prohibits the issuance of an alcoholic beverage employee's permit to an individual with two convictions for operating while intoxicated if: (1) the first conviction occurred less than ten years before the date of the permit application; and (2) the individual completed the sentence for the second conviction less than two years before the permit application. If an individual has at least three convictions for operating while intoxicated in the immediately preceding ten years, the ATC may not grant a permit to the individual; and if an individual has one or two convictions in the immediately preceding ten years, the ATC may grant or deny a permit to the individual; and provides for the revocation of a permit upon an individual's subsequent conviction for operating while intoxicated.

The bill allows for five new alcohol permits within a district in an economic development area with a unit of the National Park Service partially located within the district, and with an international deep water seaport located within the district (Portage). It also requires the ATC to conduct an auction of the permits.

The new law redefines "farm winery" and allows a farm winery to sell the winery's wine to consumers by the bottle at a farmers' market that is operated on a not-for-profit basis. It allows a farm winery to offer wine tastings and sell the winery's wine at three locations apart from the winery. Increases to 30 days (from nine days) the amount of time in a calendar year during which a farm winery may participate in a trade show or exposition. It provides that a wine manufacturer located inside or outside Indiana that wants to sell wine directly to a consumer must obtain a direct wine seller's permit, and establishes an annual direct wine seller's permit fee of \$100. It makes it a Class A infraction for violating the direct wine shipping statutes and increases the penalty to a Class A misdemeanor or Class D felony if the seller has prior unrelated offenses.

The bill establishes a wine wholesaler permit fee for a wholesaler that sells less than 12,000 gallons of wine and brandy annually, and prohibits the holder of a farm winery distiller's permit from selling brandy at wholesale and specifies that the holder may sell brandy only at retail on the permitted premises. The bill allows a person to bring 18 liters of wine into Indiana for personal use. It provides that any city that owns a golf course may obtain a permit for the retail sale of alcoholic beverages. It removes residency requirements for wine and beer wholesalers. It allows farm winery brandy distiller permittees to: (1) sell brandy to consumers by the glass, bottle, or both; and (2) conduct business at three additional locations apart from the distillery.

And, it repeals provisions concerning: (1) certain certification requirements; and (2) an affidavit requirement for a holder of a farm winery permit. CCR, RC #374, 48-2.

HEA 1101 provides that a person that owns or licenses certain unredacted or unencrypted personal information concerning Indiana residents that is contained in a computerized data base must disclose to those Indiana residents without unreasonable delay a security breach in the computerized data base (including the unauthorized acquisition of computerized data that has been transferred to another medium) if the security breach could cause the Indiana residents to become victims of identity theft, identity deception, or fraud. *(For more information about this bill, refer to the section on Criminal, Civil, Corrections, Courts & Probate.)*

HEA 1207 deals with home improvement fraud and expands the circumstances in which a home improvement supplier commits home improvement fraud. The legislation makes home improvement fraud a Class D felony or Class C felony in certain cases if: (1) the consumer is at least 60 years of age and the contracted amount exceeds a certain limit; or (2) the home improvement supplier violates two or more provisions of the law. It makes home improvement fraud: (1) a Class B misdemeanor if an unconscionable home improvement contract price is more than \$4000, but less than \$7000; and (2) a Class A misdemeanor if an unconscionable home improvement contract price is at least \$7000, but less than \$10,000, and provides that home improvement fraud is a Class A misdemeanor for a second or subsequent offense including a similar offense committed in another jurisdiction.

The following acts performed knowingly by a home improvement supplier who enters into a home improvement contract are added to the code as home improvement fraud:

- upon request by the consumer, fails to provide the consumer with any copy of a written warranty or guarantee that states the length of the warranty or guarantee, and the home improvement that is covered by the warranty or guarantee; or how the consumer could make a claim for a repair under the warranty or guarantee;
- uses a product in a home improvement that has been diluted, modified, or altered in a manner that would void the manufacturer's warranty of the product without disclosing to the consumer the reasons for the dilution, modification, or alteration and that the manufacturer's warranty may be compromised; or
- falsely claims to a consumer that the home improvement supplier was referred to the consumer by a contractor who previously worked for the consumer; is licensed, certified, or insured; or has obtained all necessary permits or licenses before starting a home improvement project.

Passed by Senate on 3rd Rdg. RC #187, 50-0.

HEA 1280 provides that the transmission of an unsolicited advertisement by telephone facsimile machine is a deceptive act, and authorizes the Attorney General to recover civil penalties up to \$1,500 for the transmission of an unsolicited advertisement by telephone facsimile machine. The

law defines "telephone facsimile machine" and "unsolicited advertisement," and deposits the civil penalties in the Consumer Protection Division Telephone Solicitation Fund.

- "Telephone facsimile machine" means equipment that has the capacity to transcribe text or images, or both, from paper into an electronic signal and to transmit that signal over a regular telephone line; or an electronic signal received over a regular telephone line onto paper.
- "Unsolicited advertisement" means material advertising the commercial availability or quality of property, goods or services that is transmitted to a person without the person's prior express invitation or permission, in writing or otherwise.

Passed by Senate on 3rd Rdg., RC #190, 50-0.

HEA 1299 specifies that provisions of the Uniform Consumer Credit Code concerning: (1) permissible charges with respect to consumer loans; (2) required disclosures to consumers; (3) limitations on agreements and practices; and (4) enforcement actions by the Department of Financial Institutions; apply to small loans made to Indiana residents by out-of-state creditors. The law provides that certain provisions of the Uniform Consumer Credit Code that apply to a person undertaking collection of payments from, or enforcement of rights against, a debtor in a consumer loan do not apply to licensed collection agencies.

The law defines an "affiliate" of a financial institution, and specifies that certain minimum charges that a seller or lender may impose with respect to consumer sales or loans may be imposed only if the borrower prepays in full the sale or loan.

It specifies that a person, other than a supervised financial organization, may not do either of the following without obtaining a license from the Department of Financial Institutions: (1) Take assignments of consumer loans. (2) Collect payments from debtors.

The law makes the following changes with respect to various licenses issued by the department: (1) allows the department to request evidence of compliance with applicable statutes at the time of application for a license, upon license renewal, or at other times determined by the director of the department; (2) allows the department to deny an application for an initial license if the application is submitted on behalf of, or for the benefit of, a person who does not qualify for a license; and (3) requires a licensee to pay all reasonable costs of an investigation or examination of the licensee by the department, regardless of the number of days the investigation or examination takes.

It provides that a small loan is considered paid in full upon: (1) the presentment of a check for payment from an account of the borrower; or (2) the lender's exercise of an authorization to debit the borrower's account; rather than upon actual payment by the drawee financial institution.

It provides that after a borrower's fifth consecutive small loan, another small loan may not be made to the borrower within seven days after the fifth loan is paid in full. (Current law provides that another small loan may not be made within seven days after the due date of the fifth loan.)

Prohibits a lender from seeking the following upon a borrower's default on a small loan: (1) Attorney's fees. (2) Treble damages. (3) Prejudgment interest. (4) Damages allowed for dishonored checks under any law other than the small loan act.

It sets forth the circumstances in which a bank, trust company, savings association, or savings bank may purchase and hold life insurance, and prohibits a person from using: (1) the name of an existing mortgage lender; or (2) a name confusingly similar to that of an existing mortgage lender; in marketing materials or solicitations.

The law specifies that a credit agreement includes an agreement to modify a credit agreement, and specifies that a debtor in a credit agreement may assert: (1) a claim for legal or equitable relief; or (2) a defense in a claim; arising from a credit agreement only if the credit agreement is in writing and signed by the parties. (Current law does not specify that a debtor may assert a defense in a claim arising from a credit agreement only if the credit agreement is in writing and signed by the parties.)

The law requires the following to comply with all state and federal money laundering laws: (1) certain financial institutions; (2) pawnbrokers; (3) money transmitters; and (4) licensed check cashers.

It requires the department to: (1) investigate potential violations of state and federal money laundering laws; (2) enforce compliance with state money laundering laws; and (3) enforce compliance with federal money laundering laws or refer suspected violations to federal regulators, in accordance with federal law.

It allows a bank or trust company to acquire real estate to be used: (1) partly as a branch or principal office; and (2) partly as rental property for one or more lessees. (Current law does not allow such real estate to be: (1) used as a principal office; or (2) rented to more than one lessee.)

The law provides that a financial institution may do business in Indiana using a name other than its official entity name; establishes criteria for the director to use to determine whether an electronic activity is authorized as part of, or incidental to, a financial institution's business; allows the department to appoint conservators for credit unions and corporate fiduciaries under certain circumstances; and establishes the powers and duties of a conservator.

Finally, the law changes the time within which a pawnbroker must request approval from the department of financial institutions to relocate or add a business location from 90 days to 30 days before the proposed relocation or addition, provides that the director serves as an ex officio, voting member of the department; and repeals the current law governing the enforcement of sales competition. 3rd Rdg. RC# 233, 48-0.

Criminal, Civil, Corrections, Courts & Probate

Criminal

HEA 1016 makes it a Class A infraction for violating the direct wine shipping statutes and increases the penalty to a Class A misdemeanor or Class D felony if the seller has prior unrelated offenses. This penalty language is a small part of the larger bill regarding Alcohol and Tobacco matters. (CCR, RC# 374, 48-2).

HEA 1024 makes criminal confinement a Class C felony if: (1) it is committed by using a vehicle; or (2) it results in bodily injury to a person other than the confining or removing person. (3rd Rdg., RC# 248, 47-2).

HEA 1028 specifies that a person: (1) is justified in using deadly force; and (2) does not have a duty to retreat; if the person reasonably believes that force is necessary to prevent serious bodily injury to the person or a third person or the commission of a forcible felony. Specifies that a person: (1) is justified in using reasonable force, including deadly force, against another person; and (2) does not have a duty to retreat; if the person reasonably believes that the force is necessary to prevent or terminate the other person's unlawful entry of or attack on the person's dwelling, curtilage, or occupied motor vehicle. (3rd Rdg., RC# 249, 44-5).

HEA 1049 expands the definition of "family housing complex" used in the controlled substances laws to include a hotel, a motel, an apartment complex, or a building that contains subsidized housing. Makes neglect of a dependent a Class C felony if it: (1) results from the manufacture of cocaine, methamphetamine, or a narcotic drug; or (2) is committed in an area where cocaine, methamphetamine, or a narcotic drug is being manufactured, delivered, or financed. (3rd Rdg., RC# 184, 50-0).

HEA 1093 makes possessing a knife on school property or on a school bus a Class B misdemeanor. Makes the offense a Class A misdemeanor if the offender has a previous unrelated conviction and a Class D felony if the offense results in bodily injury or serious bodily injury to another person. Adds battery against, and the harassment of, a school employee to the list of offenses that must be reported to a local law enforcement agency. (3rd Rdg., RC# 253, 41-8).

HEA 1101 provides that a person who disposes of a customer's unencrypted, unredacted personal information without first shredding, incinerating, mutilating, or erasing the personal information commits a Class C infraction. Enhances the offense to a Class A infraction for a second or subsequent offense, or if the person has unlawfully disposed of the personal information of more than 100 customers. Includes as personal information certain information collected as part of a license or permit application. Provides that a person who unlawfully obtains the identifying information of a deceased person commits identity deception. Makes identity deception a Class C felony if a person unlawfully obtains the identities of more than 100 persons or the fair market value of the fraud or harm caused by the identity theft is at least \$50,000. Makes possession of a card skimming device with the intent to commit identity deception or fraud a Class D felony and a Class C felony if the device is possessed with the intent to commit terroristic deception. Permits a court to enter a restitution order requiring a person convicted of identity deception to reimburse the victim for additional expenses that arise or are discovered

after sentencing or after the entry of a restitution order. Grants a court a five year period in which to order a person convicted of identity deception to pay additional restitution. Provides that a person who commits the offense of identity deception may be tried in any county in which any element of the offense occurs. Provides that jurisdiction for cases of identity deception lies in Indiana if the victim resides in Indiana. (3rd Rdg., RC# 282, 49-0).

HEA 1108 defines "aggressive driving". Makes aggressive driving a Class A misdemeanor if it is done knowingly or intentionally with the intent to harass or intimidate a person in another vehicle, and provides that the offense does not apply to law enforcement officers engaged in their official duties. Makes criminal recklessness: (1) a Class D felony instead of a Class B misdemeanor if the offense is committed by a person who committed aggressive driving that results in serious bodily injury to another person; and (2) a Class C felony instead of a Class B misdemeanor if the offense is committed by a person who committed aggressive driving that results in the death of another person. Makes criminal recklessness a Class C felony instead of a Class B misdemeanor if it is committed by shooting a firearm into an inhabited dwelling or other building or place where people are likely to gather. (Current law requires that the shooting be done from a vehicle.) (3rd Rdg., RC# 240, 45-5).

HEA 1207 expands the circumstances in which a home improvement supplier commits home improvement fraud. Makes home improvement fraud a Class D felony or Class C felony in certain cases if: (1) the consumer is at least 60 years of age and the contracted amount exceeds a certain limit; or (2) the home improvement supplier violates two or more provisions of the law. Makes home improvement fraud: (1) a Class B misdemeanor if an unconscionable home improvement contract price is more than \$4000, but less than \$7000; and (2) a Class A misdemeanor if an unconscionable home improvement contract price is at least \$7000, but less than \$10,000. Provides that home improvement fraud is a Class A misdemeanor for a second or subsequent offense including a similar offense committed in another jurisdiction. (3rd Rdg., RC# 187, 50-0). *(For more information on this bill, see section on Consumer Issues.)*

HEA 1281 makes domestic battery a Class D felony if: (1) the person who committed the offense has a previous unrelated conviction for a substantially similar crime in Indiana or any other jurisdiction; or (2) it is knowingly committed in the presence of a child less than 16 years of age. Makes strangulation a Class D felony. (3rd Rdg., RC# 301, 49-0).

SEA 5 makes disorderly conduct a Class D felony instead of a Class B misdemeanor if it: (1) is committed within 500 feet of the location where a funeral, burial, memorial service, funeral procession, or viewing is taking place; and (2) adversely affects the funeral, burial, memorial service, funeral procession, or viewing. Makes intimidation a Class D felony instead of a Class A misdemeanor if the person to whom a threat is communicated is an employee of a: (1) court; (2) probation department; or (3) community corrections program. (Concur, RC# 297, 48-1).

SEA 6 Provides that a sexually violent predator who commits an offense after June 30, 2006, must be placed on lifetime parole when the person's term of imprisonment is completed. Provides that a person who violates a condition of lifetime parole after the person's lifetime parole has been revoked two or more times or after completing the person's sentence (including

any credit time) commits a Class D felony if the violation involves contact with a child or a victim of the child molesting offense of which the person was convicted, and a Class C felony if the person has a prior unrelated lifetime parole violation conviction. Specifies that a sexually violent predator in another state whose parole is transferred to Indiana may also be required to be placed on lifetime parole. Provides that, if a person being supervised on lifetime parole is also required to be supervised by a probation department or similar agency, the probation department or similar agency may have sole supervision of the person if the parole board finds that supervision by the probation department or other agency will be at least as stringent and effective as supervision by the parole board. Prohibits a sexually violent predator from obtaining a waiver for certain residency restrictions imposed as part of probation or parole, and requires the department of correction to report to the budget committee before August 1, 2006, concerning the feasibility of recovering the expense of GPS monitoring from an offender. Requires a sexually violent predator placed on lifetime parole to wear a GPS monitoring device. Requires the department of correction to report annually to the legislative council concerning the department's implementation of lifetime parole and GPS monitoring of sex offenders, including information concerning costs, recidivism, and proposals to reduce cost or increase efficiency. Requires the sentencing policy study committee to study issues related to sex offenders, including: (1) lifetime parole; (2) GPS monitoring; (3) a classification system for sex offenders; (4) recidivism; and (5) treatment. Adds a psychiatrist or psychologist to the sentencing policy study committee as a nonvoting advisor. (CCR, RC# 384, 50-0).

SEA 83 provides that a taser, electronic stun weapon, chemical, or other device that is designed to temporarily incapacitate a person is not a deadly weapon if it is used by a law enforcement officer: (1) who is trained to use the weapon; (2) who employs the weapon in accordance with the law enforcement officer's training; and (3) while lawfully engaged in the execution of official duties. Imposes a mandatory minimum sentence for a person who commits resisting law enforcement and: (1) draws or uses a deadly weapon, inflicts bodily injury on or causes bodily injury to another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person; (2) operates a vehicle in a manner that causes serious bodily injury to another person; or (3) operates a motor vehicle in a manner that causes the death of another person. (CCR, RC# 388, 44-2).

SEA 145 permits the forfeiture of a motor vehicle operated by a person who has at least two prior unrelated convictions in the previous five years for operating while intoxicated if the person commits operating a motor vehicle while intoxicated or operating a motor vehicle with a suspended driver's license. Provides that a motor vehicle that is not owned by the person or the spouse of the person who unlawfully operated it may not be seized unless the owner knew that the vehicle would be unlawfully operated. Prohibits the bureau of motor vehicles from registering a motor vehicle in the name of a person whose motor vehicle has been forfeited until the person proves that the person possesses a current driving license. Provides that when a court grants probationary driving privileges to certain persons, the order must include the requirement that for six months the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device. Provides that a certified phlebotomist may obtain a bodily substance sample under certain circumstances. Provides that for purposes of the duties of a driver, owner and passengers of a vehicle after a vehicle accident,

an accident does not require proof of a collision between a driver's vehicle and another vehicle or another person if the accident involves serious bodily injury to or the death of a person. Amends the definition of chemical test for determining the presence of alcohol or a drug. Revises penalties for the failure to submit to a portable breath test or a chemical test. Adds excise police officers of the alcohol and tobacco commission to the definition of law enforcement officer for motor vehicle laws. (Concur, RC# 339, 38-10).

SEA 168 specifies that a prosecuting attorney may refer a case involving abuse or neglect of a Medicaid patient, in addition to Medicaid fraud, to the attorney general for prosecution. (CCR, RC# 390, 48-0).

SEA 191 provides that a sheriff, police department, or criminal justice agency required to report an arrest to the state central repository for criminal history data shall transmit a photograph of the person who is the subject of the report at the time the arrest is reported. Allows the state police department to adopt guidelines concerning the method of transmitting photographs, and requires a person submitting the photograph to follow the department's guidelines. Includes a photograph as part of the information that may be obtained in a limited criminal history. (3rd Rdg., RC# 58, 48-0).

SEA 193 permits the destruction of chemically contaminated equipment used in the illegal manufacture of a controlled substance if certain conditions are met. Provides that a law enforcement officer has the right to inspect a retailer's log of ephedrine or pseudoephedrine sales. Prohibits a person from selling or releasing a log or the records from the completion of a log for commercial purposes. Allows the Indiana criminal justice institute to obtain information concerning a log or the records from the completion of a log from a law enforcement officer if the information may not be used to identify a specific individual and is used only for statistical purposes. Prohibits the possession of two or more precursors with the intent to manufacture a controlled substance, and makes the possession of anhydrous ammonia with the intent to manufacture amphetamine a Class D felony that may be enhanced under certain circumstances. Requires a law enforcement agency that discovers a child less than 18 years of age at a drug laboratory to notify the department of child services. Defines "methamphetamine abuse" and requires law enforcement agencies to report methamphetamine abuse to the criminal justice institute. Removes methamphetamine from the crimes of: (1) dealing in cocaine, a narcotic drug, or methamphetamine; and (2) possession of cocaine, a narcotic drug, or methamphetamine; and establishes new crimes of dealing in methamphetamine and possession of methamphetamine. Specifies that, for purposes of the law concerning motor vehicles, a person is intoxicated if the person is under the influence of: (1) model glue or certain other substances; or (2) nitrous oxide. Defines inhaling a toxic vapor, a Class B misdemeanor, as the act of ingesting or inhaling, with intent to cause a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses, the fumes of amyl butrate, isobutyl nitrate, freon, chlorinated hydrocarbons, methylene chloride, hexane, ether, chloroform, halothane, or any other chemical having the property of releasing toxic vapors. Makes conforming amendments. (CCR, RC# 392, 48-0).

SEA 246 specifies that a sex offender's principal residence is the residence where the offender spends the most time. Expands the definition of a "sexually violent predator" to include persons above the age of 18 who commit an offense against a child less than 12, persons with certain prior convictions, and persons who used deadly force, used a deadly weapon, or caused serious bodily injury in the commission of a sex offense. Prohibits a sexually violent predator from working or volunteering on school property or at a public park or youth program center. Prohibits certain sex offenders from residing within: (1) 1000 feet of a school, public park, or youth program center; or (2) one mile of the victim's residence. Provides that the DNA exception to the statute of limitations for Class B, C, and D felonies applies when DNA analysis provides evidence sufficient to charge a person with an offense. (Currently the DNA exception applies when DNA analysis permits the discovery of the offender's identity.) Adds crimes committed in other states that are substantially similar to certain Indiana sex crimes to the list of underlying offenses that permit a person to be charged as a repeat sexual offender. Provides various penalties for violations of these provisions. Makes certain other changes. (3rd Rdg., RC# 47, 47-0).

SEA 297 provides that a person who: (1) knowingly or intentionally uses false information or otherwise commits fraud in an application for an identification card; or (2) knowingly or intentionally uses a false name or address or otherwise commits fraud in an application for a driver's license or permit; commits application fraud, a Class D felony. (Current law provides that the offenses are Class B and Class C misdemeanors, respectively.) (Concur, RC# 347, 45-2).

Civil

HEA 1010 requires a condemnor, before proceeding to acquire property by use of eminent domain, to: (1) establish a proposed purchase price; (2) provide the owner with an appraisal or other evidence used to establish the proposed purchase price; and (3) conduct a good faith negotiation with the owner of the property. Extends time periods that apply to certain eminent domain procedures. Requires a condemnor, except the department of transportation (department), certain utilities, and certain other persons, to proceed to acquire the property by use of eminent domain not more than two years after the condemnor submits a written acquisition offer to the owner of the property. Requires the department, certain utilities, and certain other persons to initiate eminent domain proceedings not more than six years after the department, utility, or other person submits a written acquisition offer to the property owner. Provides that a property owner may receive litigation expenses, including reasonable attorney's fees, in an amount not to exceed the lesser of: (1) \$25,000; or (2) the fair market value of the property; if the property owner is awarded greater compensation at trial than was offered in the condemnor's last settlement offer. Specifies that certain persons authorized to exercise eminent domain may do so only to accomplish the essential delivery of services. Provides that if a condemnor fails to: (1) take possession of property the condemnor acquired through the use of eminent domain; and (2) adapt the property for the purpose for which it was acquired; not later than six years after the payment of the award or judgment for damages occurs, the condemnor forfeits all rights in the property as if the procedure to take the property had not begun. Establishes procedures for using eminent domain to transfer ownership or control of real property between private persons for uses that are not public uses, including: (1) limiting the use of eminent domain only to acquire certain types of property; (2) requiring that the acquisition of

the property will accomplish more than only increasing the property tax base of a government entity; (3) requiring mediation under certain circumstances; (4) requiring the payment of more than the fair market value for certain types of property; (5) requiring the condemnor to pay the attorney's fees of certain owners; and (6) requiring the payment of certain other damages, if applicable, including business losses. Prohibits a state agency or political subdivision from requiring that a lawfully erected sign be removed or altered as a condition of issuing a permit, license, variance, or other order concerning land use or development unless the sign owner is compensated or has waived compensation in writing. Prohibits a privately owned cemetery from exercising eminent domain. Prohibits libraries from exercising eminent domain unless a specified legislative body in the library district adopts a resolution specifically approving the use of eminent domain for a particular purpose. Makes other changes and conforming amendments.(CCR, RC# 373, 49-0).

HEA 1112 prohibits a court from admitting a communication of sympathy into evidence. Provides that a court may admit a statement of fault into evidence, including a statement of fault that is part of a communication of sympathy, if otherwise admissible under the Indiana Rules of Evidence. (3rd Rdg., RC# 211, 50-0).

HEA 1113 Grants immunity from civil liability for certain persons in the food and beverage industry, including advertisers, marketers, and advertising media, as to a claim concerning weight gain, obesity, a health condition associated with weight gain or obesity, or a generally known condition allegedly caused by or allegedly likely to result from the long term consumption of food or beverages. Provides that the immunity does not apply if the weight gain is related to a pregnancy, or if it relates to certain types of misbranding, adulteration, or knowing and willful violations of state or federal law. (3rd Rdg., RC# 212, 41-9).

SEA 296 permits the attorney general's office to negotiate and compromise the portion of a punitive damages award that is to be paid to the state. Provides that the state's interest in a punitive damages award is effective when a finder of fact announces a verdict that includes punitive damages. (Concur, RC# 346, 48-0).

SEA 300 defines "bodily injury" and specifies that the term includes emotional trauma only if the trauma stems directly from the impairment of a physical condition, a visible injury, or physical pain. Provides that compensation to a victim of a violent crime may not be paid to a person who profited from the criminal act or who was intoxicated at the time of the crime and contributed to the commission of an unrelated felony, unless the person was the victim of a sex crime or a crime of domestic or family violence. Permits only one claimant per victim to receive benefits. Authorizes the division of victim services to award benefits for an injury resulting from criminal use of a motor vehicle only after an information or indictment is filed, and does not permit an award in any case until records are available and the criminal investigation is concluded. Provides that certain information relating to the victim of a crime is confidential. Makes the reimbursement rate for medical services provided as the result of bodily injury equal to the reimbursement rate for services under the Indiana comprehensive health insurance association (ICHIA), and clarifies that the ICHIA rate does not apply to the reimbursement of forensic and evidence gathering services provided to the victim of a sex crime. Defines "forensic

medical exams" and "additional forensic services" and replaces references to "emergency services," "hospital emergency services," and "emergency hospital services" with "forensic medical exams" and "additional forensic services". Permits reimbursement for burial expenses up to \$4,000 and for mental health care up to \$2,000. Requires documentation of certain expenses before a benefit may be awarded. Prohibits an attorney who represents a crime victim at a hearing held by the division from charging a contingency fee of more than 10% or being paid directly by the division. Permits an attorney who obtains a civil judgment on which the state has a lien for the provision of victim services to receive attorney's fees of not more than 15% of the amount received by the state. Makes other changes and conforming amendments. Repeals an obsolete provision relating to attorney's fees. (Concur, RC# 351, 46-0).

Corrections

HEA 1155 transfers oversight of the sex offender registry from the criminal justice institute to the department of correction (DOC). Eliminates the sex and violent offender directory, transfers its functions to the sex offender registry, and requires the criminal justice institute to seek grants to support the sex offender registry. Removes a provision requiring a sex offender to register using a "registration form", and requires the DOC to establish a format for registration. Requires the DOC to transmit information concerning sex offenders to a neighborhood association, or to provide instructional material in the use of the sex offender registry. Requires the DOC to inform and train judges, prosecuting attorneys, law enforcement officials, and others in the sex offender registration procedure. Requires that the sex offender registry be updated daily and be available on the Internet, requires incarcerated sex offenders to register before being released, and shortens certain registration periods. Establishes a procedure for determining which out of state sex offenders residing in Indiana are required to register and how long they are required to register. Permits the DOC to reduce good time credit for a sex offender who does not participate in a sex offender treatment program or who does not register before being released from incarceration. Specifies that a sex offender's principal residence is the residence where the offender spends the most time. Imposes additional registration and notification requirements on sex offenders, including a requirement that a sexually violent predator notify law enforcement officials if the predator will be absent from the predator's principal residence for more than 72 hours. Requires a sexually violent predator to initially register not more than 72 hours after release from incarceration or supervision, and requires all sex offenders to register in person at least once per year. Requires a sex offender to possess a valid driver's license or state identification card. Requires a sex offender who temporarily resides in transitional housing to register once every seven days, and requires a local law enforcement authority to personally visit the listed address of a sex offender. Provides various penalties for violations of these provisions. Makes conforming amendments. Repeals certain provisions concerning the criminal justice institute's duties with respect to sex offenders. Provides that a sexually violent predator who commits an offense after June 30, 2006, must be placed on lifetime parole when the person's term of imprisonment is completed. Provides that a person who violates a condition of lifetime parole after the person's lifetime parole has been revoked two or more times or after completing the person's sentence (including any credit time) commits a Class D felony if the violation involves contact with a child or a victim of the child molesting offense of which the person was convicted, and a Class C felony if the person has a prior unrelated lifetime parole violation conviction. Specifies that a sexually violent predator in another state whose parole is transferred to Indiana

may also be required to be placed on lifetime parole. Provides that, if a person being supervised on lifetime parole is also required to be supervised by a probation department or similar agency, the probation department or similar agency may have sole supervision of the person if the parole board finds that supervision by the probation department or other agency will be at least as stringent and effective as supervision by the parole board. Prohibits a sexually violent predator from obtaining a waiver for certain residency restrictions imposed as part of probation or parole, and requires the department of correction to report to the budget committee before August 1, 2006, concerning the feasibility of recovering the expense of GPS monitoring from an offender. Requires a sexually violent predator placed on lifetime parole to wear a GPS monitoring device. Requires the department of correction to report annually to the legislative council concerning the department's implementation of lifetime parole and GPS monitoring of sex offenders, including information concerning costs, recidivism, and proposals to reduce cost or increase efficiency. Requires the sentencing policy study committee to study issues related to sex offenders, including: (1) lifetime parole; (2) GPS monitoring; (3) a classification system for sex offenders; (4) recidivism; and (5) treatment. Specifies that a sex offender's principal residence is the residence where the offender spends the most time. Expands the definition of a "sexually violent predator" to include persons at least 18 years of age who commit certain offenses and persons who commit an offense for which they must register as a sex offender who have a prior conviction for an offense for which they would be required to register as a sex offender. Prohibits a sexually violent predator from working or volunteering on school property or at a public park or youth program center or at an amusement attractive to children. Prohibits certain sex offenders from residing within: (1) 1,000 feet of a school, public park, or youth program center; or (2) one mile of the victim's residence. Provides that the DNA exception to the statute of limitations for Class B, C, and D felonies applies when DNA analysis provides evidence sufficient to charge a person with an offense. (Currently the DNA exception applies when DNA analysis permits the discovery of the offender's identity.) Requires certain persons not committed to the department of correction to submit a DNA sample. Adds crimes committed in other states that are substantially similar to certain Indiana sex crimes to the list of underlying offenses that permit a person to be charged as a repeat sexual offender. Permits a court or the parole board to prohibit a probationer or parolee who has been convicted of stalking from residing within 1,000 feet of the home of the victim. Provides various penalties for violations of these provisions. Prohibits a juvenile court from appointing a person to serve as the guardian or custodian of a child if the person is a sexually violent predator or has committed certain sex offenses. Adds a board certified psychologist or psychiatrist appointed by the governor to the sentencing policy study committee to act as a nonvoting advisor to the committee. Makes certain other changes and conforming amendments. Makes delivering contraband directly or indirectly to an inmate who is outside of a penal institution a Class A misdemeanor. Makes the offense a Class D felony if the contraband is a controlled substance and a Class C felony if the contraband is an item that may be used as a weapon. Authorizes a court to require a repeat offender who is placed on bail and supervised by a probation officer or pretrial services agency to pay a pretrial services fee to defray the cost of supervision by the probation department or pretrial services agency if the person has the financial ability to pay the fee and the court finds by clear and convincing evidence that supervision by the probation department or pretrial services agency is necessary to ensure: (1) the defendant's appearance in court; or (2) the physical safety of another person or the community. Specifies that the pretrial services fee does not apply in city or town courts. Provides

that the fee is divided between the county supplemental adult probation services fund and the county supplemental public defender services fund. Prohibits the bureau of motor vehicles from issuing or reinstating the license of a person who has not paid the person's pretrial services fee upon the person's conviction. Specifies that an order to pay the fee is immediately terminated if a defendant is acquitted or charges are dropped, and makes other changes relating to the collection and distribution of the fee. Makes it promotion of human trafficking, a Class B felony, for a person to recruit, harbor, or transport another person to: (1) engage the other person in forced labor or involuntary servitude; or (2) force the other person into marriage or prostitution. Makes it sexual trafficking of a minor, a Class A felony, for certain individuals to sell or transfer custody of a child less than 18 years of age for the purpose of prostitution. Makes it human trafficking, a Class C felony, for a person to pay for an individual whom the person knows has been forced into forced labor, involuntary servitude, or prostitution. Requires a court to order a person convicted of a human and sexual trafficking offense to pay restitution to the victim of the offense. Establishes a civil cause of action for victims of human and sexual trafficking offenses. Requires law enforcement officers and the division of family resources to provide certain assistance to victims of human and sexual trafficking offenses. Adds human and sexual trafficking crimes to the list of crimes that: (1) invoke certain procedures for evidence concerning protected persons; (2) can be a crime of domestic violence; (3) can be murder if a person is killed during the commission of the crime; and (4) can be a "racketeering activity". Requires the sentencing policy study committee to study issues related to human trafficking. Requires the law enforcement training board to establish minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for inservice training programs for law enforcement officers. (CCR, RC# 381, 49-1).

SEA 12 transfers oversight of the sex offender registry from the criminal justice institute to the department of correction (DOC). Eliminates the sex and violent offender directory, transfers its functions to the sex offender registry, and requires the criminal justice institute to seek grants to support the sex offender registry. Removes a provision requiring a sex offender to register using a "registration form" and requires the DOC to establish a format for registration. Requires the DOC to transmit information concerning sex offenders to a neighborhood association or to provide instructional material in the use of the sex offender registry. Requires the DOC to inform and train judges, prosecuting attorneys, law enforcement officials, and others in the sex offender registration procedure. Requires that the sex offender registry be updated daily and be available on the Internet, requires incarcerated sex offenders to register before being released, and shortens certain registration periods. Establishes a procedure for determining which out of state sex offenders residing in Indiana are required to register and how long they are required to register. Permits the DOC to reduce good time credit for a sex offender who does not participate in a sex offender treatment program or who does not register before being released from incarceration. Specifies that a sex offender's principal residence is the residence where the offender spends the most time. Imposes additional registration and notification requirements on sex offenders, including a requirement that a sexually violent predator notify law enforcement officials if the predator will be absent from the predator's principal residence for more than 72 hours. Requires a sexually violent predator to initially register not more than 72 hours after release from incarceration or supervision, and requires all sex offenders to register in person at least once per

year. Requires a sex offender to possess a valid driver's license or state identification card. Requires a sex offender who temporarily resides in transitional housing to register once every seven days, and requires a local law enforcement authority to personally visit the listed address of a sex offender. Provides various penalties for violations of these provisions. Makes conforming amendments. Repeals certain provisions concerning the criminal justice institute's duties with respect to sex offenders. Expands the definition of a "sexually violent predator" to include persons over 18 years of age who commit certain offenses and persons who commit an offense for which they must register as a sex offender who have a prior conviction for an offense for which they would be required to register as a sex offender. Prohibits a sexually violent predator from working or volunteering on school property, at a public park or youth program center, or at an amusement attractive to children. Prohibits certain sex offenders from residing within: (1) 1,000 feet of a school, public park, or youth program center; or (2) one mile of the victim's residence. Provides that the DNA exception to the statute of limitations for Class B, C, and D felonies applies when DNA analysis provides evidence sufficient to charge a person with an offense. (Currently the DNA exception applies when DNA analysis permits the discovery of the offender's identity.) Requires certain persons not committed to the department of correction to submit a DNA sample. Adds crimes committed in other states that are substantially similar to certain Indiana sex crimes to the list of underlying offenses that permit a person to be charged as a repeat sexual offender. Permits a court or the parole board to prohibit a probationer or parolee who has been convicted of stalking from residing within 1,000 feet of the home of the victim. Provides various penalties for violations of these provisions. Provides that a sexually violent predator who commits an offense after June 30, 2006, must be placed on lifetime parole when the person's term of imprisonment is completed. Provides that a person who violates a condition of lifetime parole after the person's lifetime parole has been revoked two or more times or after completing the person's sentence (including any credit time) commits a Class D felony if the violation involves contact with a child or a victim of the child molesting offense of which the person was convicted, and a Class C felony if the person has a prior unrelated lifetime parole violation conviction. Specifies that a sexually violent predator in another state whose parole is transferred to Indiana may also be required to be placed on lifetime parole. Provides that, if a person being supervised on lifetime parole is also required to be supervised by a probation department or similar agency, the probation department or similar agency may have sole supervision of the person if the parole board finds that supervision by the probation department or other agency will be at least as stringent and effective as supervision by the parole board. Prohibits a sexually violent predator from obtaining a waiver for certain residency restrictions imposed as part of probation or parole, and requires the department of correction to report to the budget committee before August 1, 2006, concerning the feasibility of recovering the expense of GPS monitoring from an offender. Requires a sexually violent predator placed on lifetime parole to wear a GPS monitoring device. Requires the department of correction to report annually to the legislative council concerning the department's implementation of lifetime parole and GPS monitoring of sex offenders, including information concerning costs, recidivism, and proposals to reduce cost or increase efficiency. Requires the sentencing policy study committee to study issues related to sex offenders, including: (1) lifetime parole; (2) GPS monitoring; (2) a classification system for sex offenders; (4) recidivism; and (5) treatment. Adds a board certified psychologist or psychiatrist with expertise in treating sex offenders who is appointed by the governor as a nonvoting advisor to the sentencing policy study committee. Makes certain other

changes and conforming amendments. Makes it a Class D felony to rent matter that is harmful to a minor within 500 feet of a school or church. (CCR, RC# 364, 50-0).

SEA 160 reduces to five the number of friends and relatives of a convicted person who may be present at an execution, and permits up to eight adult members of the immediate family of the victim to be present at an execution. Requires the department of correction to establish a procedure to select the family members who may be present at an execution if more than eight family members of a victim wish to attend or if there is more than one victim, and to establish a support room for the use of family members of a victim and support persons who will not be present at the execution. (Concur, RC# 324, 38-11).

SEA 275 provides that if a person fails to participate in or complete a postconviction forensic diversion program, a court may: (1) revoke the person's probation; (2) lift a stay of execution of a nonsuspendible part of the person's sentence; (3) modify the person's sentence; (4) order that the person's suspended sentence be executed; or (5) order the person to serve part of the sentence on work release. (3rd Rdg., RC# 138, 50-0).

Courts

HEA 1128 provides that when a court grants probationary driving privileges to certain persons, the order must include the requirement that for six months the person may not operate a motor vehicle unless: (1) the motor vehicle is equipped with a functioning certified ignition interlock device; or (2) the person is successfully participating in a court supervised alcohol treatment program involving disulfiram (antabuse) or a similar substance. Requires a person who is not indigent to pay the costs of the ignition interlock program. (3rd Rdg., RC# 274, 49-0).

HEA 1156 Limits the amount of an excessive property tax levy for new court operating expenses to the estimate by the taxing unit operating the court of the court's expenses for its first year of operation. Lists the costs that qualify for the excessive levy. Requires jury commissioners to use only lists approved by the supreme court to determine the names of prospective jurors to be included in a jury pool. Removes provisions that allow the commissioners to select names from various other sources. Repeals definitions of "voter registration lists". Prohibits an employer from: (1) subjecting an employee to an adverse employment action because of the employee's jury service; and (2) requiring an employee to use vacation or other leave for jury duty. Increases the number of judges on the Marion superior court from: (1) 32 to 35 judges beginning January 1, 2007; and (2) 35 to 36 judges beginning January 1, 2009. Increases the total number of magistrates that a majority of the Marion superior court may appoint from four to eight beginning January 1, 2008. Increases the court administration fee from \$2 to \$3. Permits a court to establish a domestic relations court and a domestic relations counseling bureau, and authorizes a court to charge a fee for providing domestic relations counseling services if the county fiscal body has approved a schedule of fees for domestic relation counseling services. (Current law permits only Marion county and Lake county to establish a domestic relations counseling bureau). Makes other changes. (3rd Rdg., RC# 287, 49-0).

HEA 1158 specifies that the 25% of the judicial salaries fees collected by a Marion County small claims court that is not deposited in the state general fund must be deposited in the general fund of the township in which the small claims court is located. Provides that the small claims service fee and civil action service fee do not apply to garnishee defendants. Creates a \$10 small claims garnishee service fee and a \$10 garnishee service fee, and provides that these fees are to be collected in small claims and civil actions involving more than three garnishees or garnishee defendants. Distributes the fees in the same manner as the small claims service fee and the service fee are distributed. Increases fees a county sheriff may charge for reports issued by the sheriff's office and for service of process for civil actions. Provides that for each verified claim filed by a sheriff for service of writs, orders, process, notices, tax warrants, or other papers completed by the sheriff: (1) a \$13 service of process fee is imposed; and (2) the amount that a county fiscal body must appropriate to the sheriff is increased. Adds county sheriffs to the list of county officers entitled to appoint a chief deputy and other deputies and employees. Permits the superintendent of the state police department to charge a fee of at least \$5 for an accident report and for the inspection and copying of other data related to an accident report without having the fee fixed by a local ordinance. Increases the DNA sample processing fee from \$1 to \$2 and permits the state police department to use the funds for DNA analysis. Specifies that the garnishee service fees service of process fees only apply to cases filed after June 30, 2006. Renames certain small claims courts. Makes conforming amendments. (3rd Rdg., RC# 288, 43-6).

SEA 84 establishes a reentry court under a court having felony, misdemeanor, or juvenile jurisdiction in a city or county. Grants a reentry court jurisdiction over certain persons released from the department of correction. Authorizes a reentry court to provide reintegration services to persons released from the department. Establishes a procedure for approval of a reentry court. Authorizes a reentry court to establish reasonable fees. Allows the board of directors of the judicial conference of Indiana to delegate certain rulemaking functions concerning reentry courts and drug courts to a committee of the judicial conference. Makes other changes and conforming amendments. (Concur, RC# 337, 48-0).

SEA 192 allows a court that admits a defendant to bail to require the defendant to post a combination of property and surety bonds as a condition of bail. Provides that if a court requires a defendant to deposit cash or cash and other security in an amount equal to the defendant's bail, the court may require the defendant and each person who makes the deposit on behalf of the defendant to execute an agreement that allows the court to retain all or a part of the cash to pay: (1) publicly paid costs of representation; and (2) fines, costs, fees, and restitution that the court may order the defendant to pay if the defendant is convicted. (3rd Rdg., RC# 114, 50-0).

SEA 232 eliminates automatic exemptions from jury service. Permits a person called for jury service to receive one deferral for up to one year if the juror selects an alternate date and the deferral is necessary due to hardship, extreme inconvenience, or necessity. Protects a person called for jury service from being subjected to adverse employment actions. Prohibits employers from requiring or requesting employees to use annual vacation or sick leave for jury service. Repeals a provision concerning jury service exemptions in Lake County. (3rd Rdg., RC# 121, 50-0).

Probate

SEA 114 Provides that a surviving subsequent childless spouse who takes against the will of the decedent is entitled to take one-third of the net personal estate and an additional amount equal to 25% of the fair market value of the decedent's real property minus liens and encumbrances. (Current law bases the additional amount on the value of the decedent's lands.) Makes conforming changes to the intestate succession law. Specifies additional powers that a personal representative may exercise without order of the court in the administration of an unsupervised estate. Provides that income earned by a trust becomes a part of the principal and is not distributed to the beneficiaries of specific property. Removes references to estates to conform Indiana's version of the uniform principal and income act with current probate law. Specifies that a trustee may exercise a power that conflicts with an individual interest of the trustee if the trustee receives written authorization from all interested persons to exercise the power or if the exercise of the power is specifically authorized by the terms of the trust. (Current law permits the exercise of the power only with court authorization.) Provides that a claimant seeking payment of a debt owed to a decedent or seeking to obtain personal property or an instrument evidencing a debt, an obligation, a stock, or a chose in action belonging to the decedent must include in the affidavit that the claimant submits to the debtor or person possessing the personal property or instrument: (1) the name and address of each other person entitled to a share of the property; (2) a statement that the claimant has notified each other person identified in the affidavit of the claimant's intention to present the affidavit; and (3) that the value of the gross probate estate does not exceed \$50,000. (Concur, RC# 322, 49-0).

Economic Development

HEA 1353 conforms certain provisions of the Indiana Trademark Act to the federal Model Trademark Act and repeals obsolete provisions. The bill specifies that a judicial or administrative interpretation of the Federal Trademark Act may be considered as persuasive authority in interpreting provisions of the Indiana Trademark Act. The legislation also gives the Indiana Secretary of State the discretion to set rules to prescribe the trademark application, recording and related fees. Under current law, the fee to register a trademark for a ten-year period is \$10. This bill reduces the length of the registration period to five years, eliminates the \$10 fee and allows the Secretary of State to set future rates. (CCR, RC 365: 49-1)

HEA 1380 deals with a variety of economic development matters, including:

- *Small Business Impact of Legislation:* The bill establishes a process by which the state's small business coordinator may submit comments for review on the impact of any proposed legislation to the Office of Management and Budget (OMB). It also requires that, after review, the comments to be posted to the General Assembly's website.
- *Regional/Local Venture Capital Funds:* The bill authorizes counties, cities and towns that receive County Economic Development Income Taxes (CEDIT) to establish Local Venture Capital Funds and establish Regional Venture Capital Funds by pooling CEDIT revenues and grant proceeds. It also provides that Regional Venture Capital Funds be administered by a

governing board that has the power to award grants or loans from the fund to public or private entities for economic development purposes.

- *EDGE Credit Program:* The bill eliminates the minimum employment requirement under current statute for Economic Development for a Growing Economy tax credits to be awarded for job retention projects, beginning with applications filed after March 31, 2006. The minimum employment requirement is currently 75 employees. This change will allow approvals of EDGE credits for projects that do not meet the current employment requirement. (CCR, RC 400: 50-0).

Education

K-12

SEA 39 provides that in a situation where a student's parents are divorced or separated and a court order grants a parent custody of a student, the parent granted physical custody (or the student if the student is at least 18 years of age) may elect not later than 14 days before the first student day of the school year whether the student will have legal settlement in the school corporation in which the student's mother resides or in which the student's father resides. The bill provides that this election may be made only on a yearly basis, and that the student or parent who makes the election may not be charged transfer tuition. The introduced version of this bill was prepared by the Child Custody and Support Advisory Committee. (3rd reading, RC 10: 48-0)

SEA 172 allows a school board to hire individuals who are in the process of obtaining a teacher's license under the 'Transition to Teaching Program' for a classroom teaching position. The bill specifies that this may only occur if the individual is obtaining a license the same subject area that he or she will teach, is in a school that is located within the same school corporation and if there is an insufficient supply of licensed teachers, as designated by the State Board of Education. Proponents of the legislation argued that it would encourage older professionals to enter teaching and place new teachers into the classroom more quickly, while opponents argued that it would allow unqualified teachers into the classroom and could be used as a bargaining tool to lower teacher wages. (CCR, RC 391: 48-0)

SEA 111 includes several provisions to improve student nutrition and physical activity. (*For more information, see section on Families and Children.*) Concurrence, RC 321: 42-8

SEA 231 allows a school corporation to use funding from its Academic Honors Diploma allotment to purchase savings bonds for students graduating in 2006 and 2007 who earn an Academic Honors Diploma. The legislation also permits public high schools to honor any commitments given and published in a student handbook concerning academic honors before January 1, 2005 for students graduating in 2005, 2006 and 2007. (Concurrence, RC 343: 45-3)

SEA 305 requires all school and special-purpose buses to stop within 50 feet of any railroad crossings. The bill also requires that all emergency escape exits, doors, windows, roof and service doors on school and special purpose buses must be free from any obstructions that block

an exit. It also states that special purpose bus may not be operated at a speed greater than 55 miles per hour. (CCR, RC 361: 50-0)

SEA 310 creates alternative means for students to receive high school credits required to graduate or to earn an academic honors diploma. Under the bill, students have the option of using non-classroom work and activities to demonstrate their proficiency and in a course or subject area and receive credit for it. The Indiana Department of Education and the State Board of Education are responsible for setting criteria for the program and implement by July 1, 2006. (Concurrence, RC 329: 49-0)

HEA 1006 is Governor Daniels' 'Dollars to the Classroom' program and allows school corporations more flexibility to take actions in nonacademic areas to save money and reallocate those funds to student instruction. The bill requires the Department of Education and the State Board of Education to develop a plan to upgrade the financial management, analysis, and reporting system for school corporations and schools and to issue a report on areas in which savings could be achieved. Opponents of this bill fear it will take away much need safeguards from struggling schools, while proponents feel it will allow schools the opportunity to pool resources and better utilize existing funds.

A second part of the bill requires that homeless students have the right to be transported to the same school they attended before they were dislocated, even if they are no longer in the district. (3rd reading: RC 204: 34-15-1)

HEA 1029 provides that the Indiana Bond Bank may purchase school buses for sale or lease to school corporations. (*For more information on this bill, see section on Higher Education.*)

HEA 1093 makes possessing a knife on school property or on a school bus a Class B misdemeanor. The legislation also makes the offense a Class A misdemeanor if the offender has a previous unrelated conviction and a Class D felony if the offense results in bodily injury or serious bodily injury to another person. The bill also adds battery against, and the harassment of, a school employee to the list of offenses that must be reported to a local law enforcement agency. (3rd reading, RC 253: 41-8-1)

HEA 1134 recodifies the grade K-12 education finance law, including teacher pension and education property tax control provisions, without substantive change and makes conforming amendments. (3rd reading: RC: 48-0)

HEA 1240 originally intended to move the state's ISTEP-Plus assessment test from the fall to the spring. The bill was altered to only require the Indiana Department of Education and the State Board of Education to review the student testing program and develop a long-term plan for its use by November 1, 2006. The legislation also creates objectives for the program review and plan development. It also repeals provisions requiring the grading of certain parts of the ISTEP assessment to take place in Indiana. (CCR, RC 404: 48-2)

HEA 1347 changes requirements for a student to drop out of school. The bill also allows Ivy Tech and Vincennes University to offer 'fast track' courses to high school students and dual high

school credit programs, creates an international baccalaureate degree for high school graduates and requires high schools to offer at least two dual credits for advanced placement. The legislation also adds financial hardship and illness to the reasons a student may withdraw from high school before graduating, and allows students to graduate from high school without passing the state's graduation qualifying examination, subject to certain requirements. (3rd reading, RC 226: 49-1)

Not passed

SB 309 was the Senate Democrat's 'START SMART' plan. The program was designed to close the state's growing achievement gap by focusing on early childhood development and included:

- Implementing a four-year phase-in of voluntary full-day kindergarten for all schools;
- Creating an Early Education Trust Fund to award grants for innovative practices;
- Establishing a public-private partnership to provide free reading books to all children from birth to age five;
- Conducting a school-by-school study to determine the real cost of educating children; and
- Expanding existing legislation to allow school corporations to purchase supplies and services in bulk.

The plan was not given a hearing in the Senate's Education and Career Development Committee, which led to the Democrat members walking out on 1/20/06 and boycotting future hearings on Senate bills. An attempt was made to insert the 'Start Smart' language into HB 1347, but the amendment was voted down in the Senate along a party line vote (HB 1347-2, RC 200: 17-32-1)

HB 1381 was the Republican's response to 'START SMART' which provided for a refundable income tax credit for full day kindergarten to families that were below 200% of the poverty level. Essentially a voucher program, it was killed on 3rd reading in the House.

SB 194 would have allowed school corporations the option of dismissing students for three full days for parent-teacher conferences or professional development or allow them to continue their current policy, which calls for using up to six half days per year. It is estimated that this would save school corporations and taxpayers about \$9 million in transportation and other costs for each of those three days. The bill died in the Senate Education and Career Development Committee.

Higher Education

HEA 1029 is the most important act dealing with higher education this session. The act allows the Indiana Bond Bank to purchase school buses for sale or lease to school corporations. Certain restrictions are relaxed on school corporations that seek to lease or buy school buses from the bond bank. The act provides a credit against the adjusted gross income tax liability of an individual or a married couple; for contributions to an Indiana college choice 529 investment plan in the amount of 20% of the contributions made by the individual or married couple during the taxable year, to a maximum of \$1,000. The act provides that certain installment contracts entered into by state universities are exempt from certain requirements governing bond issues. Permits certain bonds issued by Purdue University for deferred repair and rehabilitation expenses to be issued without the prior approval of the General Assembly. The act also permits refunding bonds to be issued without the approval of the State Budget Committee and the Governor. Authorizes Indiana University and Purdue University to issue revenue bonds for facilities if the

facilities are at the West Lafayette, Indianapolis, or Bloomington campuses, the facilities are used for clinical, medical, scientific, engineering, or other similar research purposes, and revenue will be available in an amount at least equal to debt service for the bonds and the annual costs to operate the facilities. The universities are prohibited from paying the debt service requirements and maintenance expenses of the research facilities from student fees or funds appropriated by the General Assembly. The act gives legislative approval to the following projects: Indiana State University for bonding for a student recreation center project, Ball State University to issue bonds for renovation and expansion of a recreation center, and the University of Southern Indiana to issue bonds for a university center expansion. The act also authorizes a state educational institution to set tuition and fee rates for certain students. (CCR, RC 377: 45-5)

HEA 1257 deals with proprietary postsecondary education. The act raises the amounts of surety bonds required from postsecondary proprietary educational institutions, and increases the mature balance in the career college student assurance fund. The act also establishes minimum standards for the owners and chief administrators of postsecondary proprietary educational institutions. 3rd Rdg. RC# 298, 49-0

SEA 229 deals with the independent college health insurance system. The act allows independent colleges and universities to establish a trust to jointly self-insure retained risks under certain circumstances and requires registration and regulation of such a trust by the department of insurance. 3rd Rdg. RC# 166: 50-0.

Elections

HEA 1011 deals with various election matters including setting guidelines for charging fees to access the statewide voter registration list, setting filing deadlines, filing third-party vacancies in legislative offices, changing precinct boundaries, counting ballots, absentee voting and certifying voting systems. Much of the language in this bill was approved by the Census Data Advisory Committee in the 2005 interim. However, several provisions were amended into the bill during the legislative process.

- *Provisional ballots and challenged voters*- This bill includes language originally in SB 128 that effectively allows any voter to be challenged and required to vote a provisional ballot. The bill also removes the 'fail safe' voting provision currently in law that allows a voter to sign an affidavit attesting to their identity and residency and be allowed to vote a regular ballot. Additionally, individuals voting provisionally due to a lack of identification who are required to present identification to the county election board now will only have 10 days to do so. Previously, the law allowed 13 days.
- *Pilot Vote Centers*- The bill authorizes the Secretary of State to establish a pilot program of vote centers in up to three counties for the 2007 municipal elections and provides that a voter who resides in a vote center pilot county may cast the voter's ballot at a vote center without regard to the precinct in which the voter resides. It would require a county to provide a vote center for every 10,000 active registered voters in the county. It establishes the criteria and requirements for a county that applies to be a vote center pilot

county. This bill specifies that the pilot program expires December 31, 2009. Information provided by Secretary Rokita highlighted the success of the program in Colorado; however, Colorado coupled the voting center plan with “no-excuse” absentee voting, which allows a voter to cast an absentee ballot without requiring the voter to state a specific reason, a policy that Indiana eliminated by a change in law in 2005. Additionally, a county that participates in the pilot program would have voting centers but would not be required to have polling places in precincts or within 5 miles of a precinct if there is not an accessible facility in the precinct, as is now required by law.

- *Statewide Voter Registration List Fee*- The bill provides that the fee a person must pay to receive a complete compilation of voter registration information contained in the statewide voter registration list is an annual fee and includes the price for receiving updates of voter registration information throughout the year.
- *Filing Deadline*- This bill provides that an election official may not receive an election law filing that is offered to be filed after a deadline for the filing unless election law provides for the filing after the deadline.
- *Third-Party Legislative Office Vacancies*- The bill provides that a vacancy in a legislative office last held by an individual who was not a member of a major political party shall be filled in a special election.
- *Transfer of Data*- The bill conforms statutes to recognize the requirement in current law for electronic transmittal of data between license branches and the statewide voter registration list.
- *Precinct Committeemen*- The bill provides for the election of the precinct committeemen of the Indiana Republican Party in primary elections during presidential election years beginning in 2008.
- *Voter Registration*- The bill specifies that a voter registration becomes effective before the expiration of the current seven day voter registration pending period if the acknowledgment notice mailed to the voter is presented by the voter in person to the county voter registration office.
- *Precinct Boundary Changes*- The bill permits the Co-Directors of the Election Division to set a deadline for a county to submit a proposed precinct establishment order if the county wishes the order to take effect before the next deadline for proposed precinct changes and requires the county executive to file a copy of an approved precinct establishment order with the county auditor. The bill also makes other changes in the administrative process to approve precinct boundary changes.
- *Voting Systems*- The bill makes provisions concerning use of previously state certified voting equipment, declaration of candidacy filings, and school board election tie votes effective for the May 2006 primary. The bill conforms voting system certification dates and certain recount deadlines with 2005 legislation.

- *Ballot Counting*- The bill specifies how to count votes when a voter casts a straight party ticket vote and also votes for individual candidates. This will help with 'overvote' situations, in which some voting machines currently may simply throw out a ballot with overvotes.
- *Absentee Ballots*- The bill permits an absentee ballot sent by mail by an overseas voter to be counted if: (A) the absentee ballot envelope is postmarked not later than Election Day; and (B) the ballot is received by the deadline for counting provisional ballots.
- *Legislative Office Vacancies*- The bill requires that the state committee of a political party whose nominee received at least 2% but less than 10% of the votes cast for the office of Secretary of State in the last election to fill a vacancy in a legislative office that was last held by a person who was elected or selected as a candidate of that political party.
- *Vote Fraud Convictions*- The bill prohibits, for at least 20 years from the date of conviction, a person convicted of a felony or a Class A misdemeanor under IC 3-14-2 and the felony or misdemeanor relates to an election for a city, town, or school corporation office from continuing employment with, obtaining future employment with, contracting with, or being a subcontractor under a contract with a city, town, school corporation, or the agency of a city, town, or school corporation. The bill authorizes the Attorney General to request an injunction against a person or governmental entity that violates this provision. The bill permits the Attorney General to seek a civil penalty of not more than \$1,000 against a person who violates this provision.
- *Miscellaneous Provisions*- The bill removes or repeals expired, superseded, or obsolete provisions of election law. The bill corrects erroneous cross-references. The bill makes technical changes. The bill updates election schedules. The bill specifies certain deadlines concerning write-in candidates in a school board election held at the same time as a primary election. The bill removes a one day overlap in the campaign finance reporting schedule for statewide candidates. The bill specifies that a candidate for nomination to a statewide office at a state party convention is required to file quarterly reports and not an additional "late convention" report (current law requires quarterly reports, but not a "post convention" report, by "late" convention candidates nominated by major parties; requires "late" candidates nominated by other parties to file both quarterly and a "post convention" report). The bill removes some of the changes to a ballot instruction for voters casting votes for candidates in local "at large" races. The bill specifies procedures for making voting systems available at the polls for a voter who initially marks a ballot for a write-in candidate, but wants to vote for a candidate on the ballot instead. The bill continues a requirement that each county have at least one accessible voting system for use at each polling place. The bill restores an expired provision authorizing voting equipment reimbursements for certain counties.

(3rd reading Roll Call 246: 34-15)

Sen. Breaux offered an amendment that would have deleted the language from SB 128 **pertaining to casting provisional ballot by challenged voter from the bill**. The amendment failed on a party-line vote, Roll Call 230, 17-31.

SEA 232 eliminates automatic exemptions from jury service, including a person over 65, an active member of the armed services, an elected or appointed official who is actively engaged in performing official duties, a legislator, an honorary military staff officer appointed by the Governor, a National Guard member, a veterinarian, a school board member in Indianapolis, a dentist, a police officer or firefighter, a DOC employee or spouse, or a ferry-boat operator. The bill permits a person called for jury service to receive one deferral for up to one year if the juror selects an alternate date and the deferral is necessary due to hardship, extreme inconvenience, or necessity, which is consistent with the jury rules offered by the Indiana Supreme Court. The bill protects a person called for jury service from being subjected to adverse employment actions and prohibits employers from requiring or requesting employees to use annual vacation or sick leave for jury service. The bill also repeals a provision concerning specific jury service exemptions for Lake County, which includes elected officials, those in active military service, employees of DOC and their spouses. (3rd reading Roll Call 121: 50-0)

SEA 303 requires all license branches that provide state identification cards (rather than only full-service branches) to be open on the day before Election Day and on Election Day to issue driver's licenses and state identification cards. This is a follow up provision to a law enacted in 2005 that provided all full-service license branches be open on Election Day. This measure ensures that, among other places, the partial-service license branch in Gary will be open for voters to obtain photo identification. This bill also provides that a license branch is not required to be open on Election Day or the day before Election Day to issue driver's licenses and identification cards if there are no precincts in the county in which an election is held on Election Day. (CCR, Roll Call 402: 50-0)

SJR 2 provides that the General Assembly may extend the right to vote to an individual who is the child of an individual who is a registered Indiana voter and currently resides outside the United States if the individual meets all of the constitutional qualifications for a voter other than residence in an Indiana precinct. This initiative was instigated by the U.S. Department of Defense, which has similar programs in place to ensure that military personnel overseas can vote. This proposed amendment has not been previously agreed to by a previous General Assembly, which means it must be passed in identical form by the 115th General Assembly in either 2007 or 2008 before it is placed on the ballot for Hoosier voters to approve or reject. (3rd reading Roll Call 62, 47-0)

The Senate Democrat Caucus also introduced several innovative ideas pertaining to election law in the 2006 session. The bills were not given hearings, but the language of those bills was offered as amendments to SB 37, an omnibus election law bill that passed out of the Senate. Senator Breaux offered an amendment that would have increased acceptable forms of identification to be presented by voters at the polls. This amendment failed on a party-line vote, Roll Call 72, 17-32. Sen. Breaux offered a second amendment that would have extended the hours that polling places would be required to be open to 6 a.m. to 9 p.m., an extra three hours. This amendment also failed on a party-line vote, Roll Call 73, 17-33. Finally, Sen. Howard

offered an amendment that would have allowed for voter registration on Election Day. This amendment failed on a party-line vote, Roll Call 71, 17-32.

Finally, Sen. Lutz offered a bill that would have required more organizations to be covered under the title of ‘lobbyist’, and would have increased the reporting requirements for those groups when they spend funds on large-scale marketing or advertising for or against a legislative issue on television, radio, or through mass mailings. SB 371 was scheduled to be heard by the Senate Ethics Committee, but ultimately died because the committee failed to meet.

Environment & Natural Resources

SEA 77 prohibits establishing a shooting preserve within one mile (rather than five miles) of a state-owned game refuge or state public hunting ground. (RC 366: 50-0)

SEA 94 establishes the Lake Management Work Group to study issues concerning public freshwater lakes. This bill re-establishes the Lake Management Work Group, which expired on July 1, 2002. The work group had been in operation since 1997. The work group would consist of 26 members: 4 members of the General Assembly; 4 state employees; 2 federal employees; and 16 lay members. This group must issue an interim and a final report and develop and maintain an internet website. Both the Department of Natural Resources (DNR) and the Department of Environmental Management (IDEM) have web sites related to water resources. The DNR website contains information about the work group and the final report of the work group. The bill also provides that the group may not meet more than three times each year and the group will expire on July 1, 2008. Members of the group who are not members of the General Assembly are entitled to reimbursement for traveling expenses and other expenses incurred in connection with the group. Members who are members of the General Assembly are entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees. (Third Reading RC 76: 50-0)

SEA 157 establishes a single advisory council to serve the Indiana Bureau of Water and Resource Regulation and the Bureau of Lands and Cultural Resources. Current law creates a separate advisory council for each bureau. (SC: RC 317: 48-0)

SEA 234 establishes requirements in environmental rulemaking for disclosure of the availability of technical assistance programs and the identity of and contact information for the IDEM's ombudsmen and small business regulatory coordinator. It states certain notice requirements for environmental rulemaking in terms of state restrictions or requirements: (1) that are more stringent than federal restrictions or requirements; or (2) that apply in a subject area where federal law does not impose restrictions or requirements. It allows for the establishment of environmental performance based programs and authorizes the adoption of rules to implement the programs. It also provides a determination of status as a member or participant in a program is not subject to the administrative orders and procedures act. It extends the expiration date of non-code sections that state the required level of protection of certain waters of the state and that direct the water pollution control board to amend certain water quality rules and to make certain water use category determinations. It requires the environmental quality service council to study

and make findings and recommendations concerning the positive and negative aspects of enacting legislation that would prohibit environmental rules from being more stringent than corresponding provisions of federal law. (RC 326: 49-0)

SEA 253 requires that a person who performs certain activities concerning water levels, shorelines, and lake beds along a lake or within ten feet of a lake obtain a permit from the DNR. It requires the Natural Resources Commission to adopt rules, makes conforming changes and repeals superseded laws concerning permits to change water levels, shorelines, and lake beds. (CCR RC 393: 46-2)

SEA 354 allows land to be classified as wild-land for purposes of property taxation. It also requires a classified forest plantation to have at least 400 trees per acre. A classified native forest land must have at least 1,000 trees per acre. The bill removes the specific requirement that certain open areas must be excluded from the classified land. The bill establishes procedures and requirements for revised application for classified lands which include penalties for withdrawal from the classified land program, prohibiting non-timber crops from being grown, and provides that environmental impact statements do not apply to forestry management practices of the division of forestry. Other things the bill establishes are the forest restoration fund, a new revised definition of “merchantable timber,” and a county legislative body may allow more than \$1,000 to be distributed to volunteer fire departments from timber sales. The bill repeals three main issues: (1) provisions concerning assessment of classified lands; (2) the assessment of certain wildlife habitats; and (3) the prohibition of certain reclamation sites from enrolling in the classified land program. (SC RC 331: 46-3)

SEA 369 creates a statewide drought plan. Specifically, the bill establishes a water shortage task force to implement update and expand the state’s 1994 water shortage plan. The task force is charged with instituting procedures to monitor, assess and inform the public about the status of surface and ground water shortages, recommend a state policy for promoting water conservation and prepare a biennial report to the Indiana General Assembly. (SCC RC 355: 48-0)

HEA 1018 requires a nonprofit water utility that is reconstituted as a water authority to have an annual audit by a certified public accounting firm and to keep the audit report on file. (CCR RC 375: 50-0)

HEA 1065 increases the fees for registering and licensing pesticides in Indiana. Under the legislation a portion of the additional revenue will be directed to Purdue University’s pesticide program to create additional education programs and to fund the state chemist’s work on pesticides. (3rd reading RC 209: 47-3)

HEA 1076 amends current code regarding public water and wastewater projects. Under the guaranteed savings contract and utility efficiency program, which is established by HEA 1076, local units of government will be able to better to reduce consumption and usage costs. (3rd Reading RC 231: 47-0)

HEA 1117 eliminates the Interagency Groundwater Task Force and the Municipal Waste Collection and Transportation Vehicle Registration Program operated by the Indiana Department of Environmental Management. (CCR RC 357: 50-0)

HEA 1138 authorizes the director of the Indiana Department of Natural Resources to use money in the Lifetime Hunting, Fishing and Trapping License Trust Fund to acquire property to be used for hunting and fishing. The bill also includes permission for the director to designate free hunting days for youth hunters and to also reduce the minimum license fee to take an extra deer. (3rd Reading RC 275: 49-0)

Families & Children

SEA 33 created a volunteer advocates program for incapacitated adults. Under current law, a court may appoint a volunteer advocate for a period of 60 days for an individual who is an incapacitated or protected person who is at least 55 years of age. These advocates gather information regarding the health, welfare, and financial circumstances of the individual and facilitate and authorize health care, social welfare, and residential placement services as needed. There is currently one community Volunteer Advocates for Seniors Program in Indiana, located at St. Margaret Mercy Healthcare Center, which serves Indiana in three different locations: Hammond, Dyer, and Crown Point. This bill will allow a court to appoint a volunteer advocate for an incapacitated adult who is at least 18 years of age, expanding it to cover adults with mental illness, mental deficiency, physical illness, developmental disability, infirmity, or other incapacities. The bill also requires a volunteer advocate to complete a limited guardian training program, be supervised by a community volunteer advocates for adults program, be appointed by the court, and to report and make recommendations to the court. (3rd reading, Roll Call 90: 50-0)

SEA 40 changes the notice requirements for when a parent seeks to relocate with a child. Under current law, there are only notice requirements when a parent is moving 100 miles from the county or out of Indiana. This bill requires an individual who has or is seeking custody of or parenting time with a child and who intends to relocate to provide notification not later than 90 days before the individual intends to move to an individual who has or is seeking custody of, parenting time with, or grandparent visitation with the child. The notice must also provide specific information about the intended new residence unless providing the information would create a significant risk of substantial harm to the individual or the child. The bill provides that a court may consider the intent to relocate a child in an initial custody hearing. It provides that not later than 60 days after a non-relocating parent receives the notice, that parent may file a motion with the court to prevent the relocation of a child; if the non-relocating parent fails to file a motion with the court, the individual may relocate. Additionally, upon request of either party, the court shall hold a full evidentiary hearing, giving the relocating individual the burden of proof to show that the relocation is made in good faith and for a legitimate purpose. The bill also establishes additional factors the court may consider in determining whether to modify the custody, parenting time, grandparent visitation, or child support orders in actions concerning relocation; and factors the court may consider in granting or denying a petition to prevent relocation of a child. It adds to current law that a grandparent seeking visitation rights to file a petition in a probate court as well as a circuit or superior court (because petitions for grandparent

visitation in St. Joseph County are currently filed in probate court). It also repeals provisions concerning notice of the relocation of a child in child custody matters. The introduced version of this bill was prepared by the interim Child Custody and Support Advisory Committee. (Concurrence, Roll Call 316: 50-0)

SEA 111 includes several provisions to improve student nutrition and physical activity. The introduced version of the bill was prepared by the Health Finance Commission after hearing much testimony in the interim about student nutrition and childhood obesity. The bill will increase the number of schools eligible for the federal school breakfast program by lowering the percentage in the definition of "qualifying school building" from 25% to 15% beginning July 1, 2007. Under current law, a school building that has 25% of enrollment in the free or reduced price school lunch program is required to implement a school breakfast program. The federal government reimburses school lunch and breakfast programs at the cost to provide the meals to students. It is estimated that the 130 additional schools that would be required to enter the school breakfast program under the bill would generate approximately 123,800 breakfasts per day. The bill requires school boards to establish a coordinated School Health Advisory Council to develop a local wellness policy that complies with certain federal requirements. Under this bill the Department of Education will provide information to these advisory councils concerning health, nutrition, and physical activity, likely including educational materials and professional development opportunities. The bill also establishes requirements applying to food and beverage items that are available for sale to students outside the federal school meal programs, including a requirement that a certain percentage of the food and beverage items qualify as "better choices", excluding food for after school hours or for fundraisers. To ensure schools meet these requirements, the bill specifies that when a contract expires for school vending machines, the school corporation would not be able to renew the contract and would have to comply with the food and beverage qualification provisions of the bill. The bill would also apply to foods that are not part of the federal school lunch/breakfast program. Therefore, sale of a la carte items that are not "better-choice" foods would be reduced by 50%. Finally, as a companion to better food choices, the bill requires daily physical activity for elementary school students in public schools. Physical activity could include the use of recess. Schools would not be required to provide physical activity in times of inclement weather or other unplanned circumstances. (Concurrence, Roll Call 321: 42-8)

SEA 112 creates the Bureau of Child Development Services within the Division of Disability, Aging, and Rehabilitative Services. The bill places the Infants and Toddlers with Disabilities Program (First Steps) under the Bureau of Child Development Services.

Indiana's First Steps is a family-centered, coordinated system to serve children from birth to age three who have disabilities and/or who are developmentally vulnerable. The goal of the program is to provide high quality, early intervention services in order to reduce the incidence and severity of developmental delays and maximize the potential of children so that as adults they can function as contributing members of society. In state fiscal year 2005, the program provided services to 19,432 children. The bill makes other changes to the First Steps program. SEA 112 requires a family to provide the program with access to all third-party health provider (HP) information (like private insurance) and requires families participating in First Steps to consent to allow the Division to bill third-party payors. The bill also requires a family's co-payment to be

waived in any month for which payment is received from the family's health insurance coverage. The program is currently unable to require health insurance information to be provided or to bill a family's health insurance without a family's consent. If a family has health insurance, the state is unable to bill Medicaid for any reimbursement of services if billing is not attempted through the private insurance. As proposed, the program would have the ability to bill all existing health insurance providers, and, as a result, decrease expenditures for the state through increased Medicaid reimbursement and health provider reimbursement dollars. The bill would save the state between \$802,500 and \$1.3 M annually. (CCR, Roll Call 370: 49-0)

SB 132 makes technical corrections to the 2005 creation of the Department of Child Services as directed by Senate Enrolled Act 529-2005.

The bill provides that a person may not operate a child caring institution (residential facility that provides child care on a 24 hr basis for more than 10 children, or a residential facility with a capacity of not more than 10 children that does not meet the residential structure requirement of a group home) and a child placing agency may not operate a foster family home if the number of children exceeds the number authorized by the license or if the children are maintained in a place not designated by the license.

The bill also creates the Division of Family Resources Child Care Fund and the Department of Child Services Child Care Fund. The DCS Fund is created for the purpose of providing training and facilitating compliance with and enforcement of: child services administration, child services programs, regulation of residential child care establishments, and foster care and placement of children. The DFR Fund would then be used solely to provide training and facilitate compliance with and enforcement of day care regulations. It provides that on June 30, 2006, the balance of the Child Care Fund shall be transferred to the Division of Family Resources Child Care Fund. As of February 24, 2006, there was \$338,984 in the Child Care Fund.

The bill also specifies to whom a criminal history background check requirement applies for the purposes of child placement. The bill removes language which requires a child welfare caseworker or juvenile probation officer from having to conduct a criminal history background check for each person who is expected to reside in a location designated as a "relative" out-of-home placement for a child.

The bill requires applicants for child caring institution, foster family home, group home, or child placing agency licenses to conduct criminal history checks of certain employees and volunteers. Under the bill, applicants are required to conduct a criminal history background check for all employees and volunteers of the applicant. This includes collecting information pertaining to substantiated reports of child abuse or neglect. The bill requires the DCS to provide an applicant with the aforementioned substantiated report information. The bill also provides that the Department of Child Services (DCS) shall inform certain applicants of licenses if the Department has information that a person has been identified as a perpetrator of abuse or neglect. It provides that certain license applications may be denied or revoked if an employee or volunteer of the applicant or licensee have certain criminal convictions. An applicant cannot be convicted of a felony or misdemeanor relating to the health and safety of children, applicant cannot be charged with above during the pendency of the application. The application can be denied if the

applicant, his employees or volunteers have been convicted of a felony or misdemeanor relating to the health and safety of children. (Concurrence, Roll Call 338: 48-0)

SB 139 makes many changes to law governing the Department of Child Services, more specifically affecting: emergency placement of children; paternity affidavits; genetic testing and paternity affidavits; hearings in juvenile matters; child abuse or neglect substantiated reports; the automated child protection system; DCS license suspensions; adoption petitions; child in need of services and delinquency dispositional decrees; and foster family case review reports. The most significant changes include:

- Expanding the definition of “emergency placement”. Under current law, the DCS may place a child in an "emergency placement" as a result of exigent circumstances, which occurs because the DCS has identified the child as unsafe in their current location. This bill, by expanding the definition of "emergency placement," allows greater use of national name-based criminal history checks (a faster method than national fingerprint-based criminal history checks) for any out-of-home placement for temporary care and custody of a child at or after the time of initial removal or transfer of custody of the child from the child's parent, guardian, or custodian. Counties have interpreted existing law differently. This provision
- Changes to the law pertaining to paternity affidavits. A putative father is a man who may be a child’s father but not married to the mother and has not established paternity prior to the adoption petition being filed for that child. Under current law, a person in attendance at the birth is required to verbally explain to the child's mother and a man who reasonably appears to be the child's biological father the legal effects of an executed paternity affidavit. This bill would require the person in attendance at the birth to inform the aforementioned persons that establishment of a paternity affidavit may require provision of health insurance coverage, reasonable parenting time rights, and that the affidavit may be filed with a court.
- Changes to the law regarding a rescission of a paternity affidavit. Under current law, a mother or expectant mother, a man alleging that he is a child's biological father or he is the expectant father of an unborn child; the mother and a man alleging that he is a child's biological father, filing jointly; the expectant mother and a man alleging that he is the biological father of her unborn child, filing jointly; a child; the DCS or a county Office of Family and Children; a prosecuting attorney; or a man who is a party to a paternity affidavit; may file an action in a court to request an order for a genetic test. This bill would amend current statute and disallow all persons except the man who is a party to a paternity affidavit from filing an action to request a genetic test.
- Change to hearing requirements for CHINS cases. The bill requires a court to complete: a fact-finding hearing not more than 60 days after a petition is filed alleging that a child is a child in need of services (CHINS); a dispositional hearing not more than 30 days after the date the court finds that a child is a CHINS; and a hearing on a petition to terminate a parent-child relationship not more than 180 days after the petition is filed.
- The bill eliminates a current requirement that a court clerk forward a copy of an adoption petition to the Division of Family and Children.

- This bill redefines the term substantiated pertaining to child abuse or neglect reports. Previously, a report was required to provide credible evidence. As proposed, the report would be required to provide a preponderance of evidence.
- This bill would allow child welfare caseworkers, investigators, supervisors, and managers access to certain information in the Indiana Child Welfare System (ICWIS).
- This bill would allow a juvenile court to use written findings or conclusions from a predispositional report as a written finding or conclusion in a dispositional decree or delinquency hearing. It also provides that a juvenile court shall require the Department to file a progress report on a CHINS petition every 3 months after entering a dispositional decree.
- The bill requires a report prepared by the state in a dispositional decree to be made available to the child's foster parents under certain circumstances.
- The bill requires the Department to investigate claims of abuse or neglect in child care centers and child care homes.

(CCR, Roll Call 389: 47-0)

SB 151 This bill specifies that a licensed child care provider is considered to be in compliance with requirements for federal Child Care and Development Fund (CCDF) voucher payments. The bill removes random drug testing requirements for CCDF providers, child care homes, and child care centers, although still allowing drug testing to be performed based on protocol established by FSSA's Division of Family Resources. It makes child care ministry inspections semiannual and as necessary, but not allowing more than four inspections per ministry per year. Current law requires the Division of Family Resources (DFR) to inspect a child care ministry quarterly. In comparison, child care centers are inspected annually by both the division and the State Fire Marshal, and child care homes are inspected annually by the division. During federal fiscal year 2005, there were 765 registered ministries in Indiana, and there were 747 in federal fiscal year 2004. (3rd reading, Roll Call 129: 50-0)

SB 153 centralizes the collection of child support. Clerks currently collect non-income withholding child support payments. Processing of income withholding orders was moved to the state Department of Child Services during fiscal year 2005. This bill establishes the State Central Collection Unit within the Child Support Bureau to collect and process non-cash child support payments and requires clerks of court to continue to collect and process cash child support payments. The DCS is currently in the process of outsourcing child support collections and disbursements. This includes: replacing paper check disbursements with electronic or debit card disbursements; establishing a bank-to-book reconciliation process; outsourcing check processing; and outsourcing the call center. The DCS reports that 20% of child support payments are made through non-income withholding/non-cash payment.

The bill requires a party affected by a child support order to notify the Central Collection Unit or a clerk of an address change. This bill also makes the Unit not liable for errors when collecting or disbursing child support payments.

The bill provides that a collection agency that contracts with the Child Support Bureau or a prosecuting attorney may, in addition to the collection of arrearage on a child support order, assess and collect from an obligor all fees, charges, costs, and other expenses as provided under

the contract. The bill provides that the Child Support Bureau may contract with a private entity to undertake Title IV-D duties. The bill also provides that the Bureau will stipulate service levels that a prosecuting attorney, private attorney, private entity or collection agency is expected to meet and that certain funds shall be disbursed when the service levels are met.

The bill provides that an individual ordered to pay child support through income withholding must also pay the annual Child Support Fee through income withholding. It changes the Support and Maintenance Fee to \$30. It also provides that the State Central Collection Unit may collect any unpaid fee through any lawful means. (Concurrence, Roll Call 340: 40-8)

SB 374 provides that the laws relating to the use of passenger restraint systems for children do not apply to the operator of a motor vehicle used in a funeral procession, the return trip to the funeral home, or both. Under current law, a person with an Indiana driver's license who operates a motor vehicle with a child under 8 years of age who is not properly fastened and restrained commits a Class D infraction. (3rd reading, Roll Call 157: 50-0)

HB 1261 makes some changes to existing housing programs and puts many housing agencies under the umbrella of the Lieutenant Governor.

The bill changes the name of the Indiana Housing Finance Authority to the Indiana Housing and Community Development Authority and gives the authority additional powers. The bill also renames the Low Income Housing Trust Fund the Affordable Housing and Community Development Fund and expands the uses of the Fund to include those of the Affordable Housing Fund, which the bill repeals. The bill also changes the membership and name of the advisory committee.

The bill limits the Neighborhood Assistance Program Tax Credit to persons who contribute to a nonprofit neighborhood organization that provides qualified community programs or services in economically disadvantaged areas. Current statute also allows a taxpayer to claim the NAP tax credit for directly providing qualified programs or services.

Finally, the bill moves the following programs from the Family and Social Services Administration to the Lieutenant Governor: the Housing Assistance Act of 1937; Community Services Block Grant; Home Energy Assistance Programs; Weatherization Assistance; Food and Nutrition Programs; Migrant and Farm Worker Programs; Emergency Shelter Grant Programs; and Shelter Plus Care Programs. (3rd reading, Roll Call 300: 49-0)

Gaming

SEA 100 – Charity gaming: Transfers the powers and duties of administering charity gaming from the Department of State Revenue to the Indiana Gaming Commission (IGC). Allows a candidate's committee to conduct a raffle event. Removes a provision restricting a qualified organization's charity gaming events to the county of its home office. Increases the maximum initial license fee from \$25 to \$50. Increases license renewal fees. Authorizes the commission to issue annual raffle licenses. Provides that an annual raffle license authorizes not more than five

raffle events in a calendar year. Grants the commission the authority to approve additional gambling events. Defines the term "member" for purposes of the charity gaming laws. Establishes a procedure under which a qualified organization that conducts only one charity gaming event in a calendar year may submit an application for a license for the event without including the Social Security numbers of the workers for the proposed event. Provides that a qualified organization using the procedure may not require an individual who wishes to participate in the allowable event as a worker to submit the individual's Social Security number to the qualified organization. Allows the gaming commission to approve: (1) a qualified organization's utilization of a nonmember as a worker if the nonmember is a member of another qualified organization; and (2) the sharing of receipts with the qualified organization of which the worker is a member. Makes an appropriation.

The cost of IGC administration and enforcement of charity gaming would be paid by revenue from Charity Gaming License fees and the Charity Gaming Excise Tax. Revenue from both of these sources would continue to be deposited in the Charity Gaming Enforcement Fund. Amounts in the Fund in excess of what is needed to pay administrative costs would continue to be distributed to the Build Indiana Fund.

The bill authorizes the IGC to adopt emergency rules for purposes of charity gaming administration and enforcement. It authorizes the IGC to employ investigators and other staff necessary to administer and enforce charity gaming. Also authorizes IGC to utilize personnel employed for purposes of riverboat gaming administration and enforcement.

The bill authorizes IGC to approve new charity gaming events in addition to those specified by statute as allowable events, which may include games played in a similar fashion as pull tabs. Additional events authorized may NOT include bookmaking; slot machines; one-ball game machines; pinball machines that award anything other than an immediate and unrecorded right of replay; a policy or numbers game; or a banking or percentage game played with cards or counters.

This eliminates current law provision prohibiting charity gaming administrative rules from requiring a qualified organization to use a specific percentage of its gross charity gaming receipts for charitable purposes.

The bill allows a nonmember to work at an organization's charity gaming events if the individual is a member of another organization that is licensed to conduct charity gaming events, and the individual's participation is approved by the IGC. The bill also allows the organization conducting the charity gaming event to share the proceeds of the event with the nonmember's organization. The bill specifies that the receiving organization is not to be considered to be conducting a charity gaming event.

Allows parents of students in a nonpublic school, members of a nonpublic school's parent organization, or members of a nonpublic school's alumni association to operate or work at charity gaming events conducted by the nonpublic school.

Allows candidates' committees to obtain a license to conduct a single raffle event.

Establishes a new annual raffle license allowing a licensee to conduct up to five raffle events during a year. Concurrence, RC #353, 39-9.

Health

SEA 36 creates a statutory Commission on Mental Health until June 30, 2011. The 17-member commission, consisting of 4 legislators and 13 lay members, will study the delivery of mental health services in Indiana. The Commission on Mental Health, previously authorized by P.L. 243 - 2003, which will expire on January 1, 2006, prepared the introduced version of this bill. The Commission will be assigned to do the following:

- Study and evaluate the funding system for mental health services in Indiana;
- Review and make specific recommendations regarding the provision of mental health services delivered by community providers and state-operated hospitals;
- Review and make recommendations regarding any unmet need for publicly supported mental health services;
- Monitor the implementation of managed care for the mentally ill that is paid for in part or in whole by the state; and
- Make recommendations regarding the Commission's findings to the appropriate division or department of state government.

(3rd reading, Roll Call 91: 47-3)

SEA 41 makes several changes to programs and requirements at the Family and Social Services Agency (FSSA).

This bill establishes the Division of Aging as a division separate from the Division of Disability and Rehabilitative Services and renames the Division of Disability, Aging, and Rehabilitative Services (DDARS) as the Division of Disability and Rehabilitative Services (DDRS). This change is expected to increase the focus of the agency on the aging population as the baby boomer generation enters its sixties. The new DOA would be responsible for the following programs: the Bureau of Aging Services, Commission on Aging, Adult Protective Services, Alzheimer's Disease and Related Senile Dementia Programs, the Alzheimer's Disease and Related Senile Dementia Programs Task Force, Alzheimer's and Dementia Special Care Disclosure, Residential Care Assistance, Adult Guardianship Services, Community and Home Options to Institutional Care for the Elderly and Disabled (CHOICE) Program, the CHOICE Board, Long-Term Care Services, Health Facility Preadmission Screening, Long-Term Care Ombudsman Program, Representative Payees and Bill Payers, Filing Disclosure Documents for Housing With Services Establishments, Indiana Prescription Drug Program, Individuals in Need of Self-Directed In-Home Care, and Reports of Missing Endangered Adults, and the administration of county homes and other county facilities.

The bill reestablishes the Self-Directed In-Home Care Program that expired July 1, 2005, and requires FSSA to report to the Legislative Council before November 1, 2009, on the implementation and outcome of the program.

The bill allows FSSA to use the survey performed by the State Department of Health when licensing a home health agency or personal services agency in determining whether to approve the entity to provide services for programs administered by FSSA. It also requires that 51% of a center for independent living's board must have a significant disability to be considered to have consumer control.

The bill requires the Office of Medicaid Policy and Planning (OMPP) to study possible changes to the state Medicaid program or other new programs that would limit or restrict a future increase in the number of Medicaid recipients in nursing homes, and to prepare a comprehensive cost comparison of Medicaid and Medicaid waiver services for home care, community care, and health facilities. The findings of this research must be reported to the Select Joint Commission on Medicaid Oversight before October 1, 2006. This language originally came from a House amendment by Rep. T. Brown to SB 266. (CCR, Roll Call 385: 50-0)

SEA 42 requires FSSA to provide the names, addresses, and telephone numbers of individuals who receive services administered by the office to the evaluation staff or a contractor of the Legislative Services Agency for the purposes of completing a survey of consumers. This information will be kept confidential. SCR 7-2005 recommended a survey of consumers of FSSA services. However, many of these consumers are protected from release of personal information by federal laws such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The bill also allows LSA to contract with a research organization to perform any part of the survey. The introduced version of this bill was prepared by the FSSA Evaluation Committee. (Concurrence, Roll Call 336: 38-10)

SEA 102 clarifies the existing uniform anatomical gift act to provide that a donor making an anatomical gift and the donor's estate are not liable for any injury or damage that may result from the making or use of an anatomical gift. (Concurrence, Roll Call 320: 50-0)

SEA 161 imposes a moratorium on the construction or addition of comprehensive care beds through June 30, 2007, with certain exceptions. The introduced version of this bill was prepared by the Health Finance Commission, which would have extended the moratorium through June 30, 2008. This was changed in the Senate Health & Provider Services committee by Sen. Miller to shorten the proposed moratorium and allow the long term care community to move forward with the home and community based care options brought forth in SEA 493-2003, some of which have yet to be implemented. (Concurrence, Roll Call 342: 45-3)

SEA 168 allows a prosecuting attorney to refer a case involving abuse or neglect of a Medicaid patient to the Attorney General. P.L.73-2003 gave the state Medicaid Fraud Control Unit the authority to investigate Medicaid fraud, misappropriation of a Medicaid patient's private funds, abuse and neglect of Medicaid patients and patients in board and care facilities in accordance with federal law. This law conforms to the current practice. (CCR, Roll Call 390: 48-0)

SEA 169 extends collection of the nursing facility quality assessment (QA) from August 1, 2006, to August 1, 2007. The current statute requires that 80% of the QA collected, or \$82 M, must be used to leverage federal Medicaid matching funds to increase nursing facility reimbursement

targeting specific uses. The introduced version of this bill was prepared by the Select Joint Commission on Medicaid Oversight. (3rd reading, Roll Call 54: 48-0)

SEA 202 contains many provisions pertaining to pharmacy and pharmacists. The bill was supported by the State Board of Pharmacy, the Indiana Pharmacist Alliance, the Healthcare Distribution Association, and the Indiana Health and Hospital Association. It allows a mechanical device that dispenses drugs to be used at certain remote locations and health care facilities. It removes authority for pharmacist extern programs and adds persons who are allowed to be pharmacist interns.

The bill also removes the practical examination requirement for certain pharmacists who are licensed in another jurisdiction. The bill provides that a person who has not renewed a pharmacist license within seven years must apply for a new license. It allows certain hospitals to operate Type II pharmacies in approved locations near the licensed area. It prohibits licensing a pharmacy in a residence. The bill also authorizes the Board of Pharmacy (Board) to temporarily suspend certain statutes or administrative rules that would prevent, hinder, or delay the appropriate delivery of pharmaceutical care during a state of emergency declared by the Governor or the President of the United States.

It provides that companies that only manufacture or distribute medical gases are not wholesale drug distributors or manufacturers. This bill also requires a person seeking a wholesale drug distributor license to provide the Board with criminal history and financial background checks.

The bill requires a record keeping pedigree for certain legend drugs that leave the normal chain of custody. It removes the requirement that drug distributors have a continuous quality improvement system and policies concerning certain drugs that may be returned. The bill also requires applicants that have been denied accreditation by certain wholesale drug accreditation bodies that have an agreement with the Board have the right to a Board review of the accreditation denial. The bill allows the Board to grant reciprocity to out-of-state home medical equipment service providers. (CCR, Roll Call 367: 50-0)

SEA 208 provides that if an applicant for a driver's license, a learner's permit, or an identification card submits information concerning the applicant's medical condition to the Bureau of Motor Vehicles, the bureau shall include an identifying symbol and a summary of the information on the driver's license, learner's permit, or identification card. It requires the BMV to inform an applicant that submission of medical information is voluntary. It also removes from the statutes the provisions for including an applicant's blood type on a driver's license, learner's permit, or identification card, a law that was created by P.L.123-2005 that would not have taken effect until July 2006. (3rd reading, Roll Call 34: 47-0)

SEA 266 creates follow up provisions to SEA 360-2005, which permitted coverage of bariatric surgery by health insurance. This bill creates an exception to a physician's duty to monitor a bariatric surgery patient for five years if the physician is unable to locate the patient after a reasonable effort. It establishes certain topics that must be discussed with a patient before bariatric surgery.

This bill specifies that reports to the State Department of Health that are required to be filed by physicians who perform bariatric surgeries are confidential. Current law provides that these reports are public records and are subject to public inspection. The reports are required to contain the gender of the patient, the name of the physician that performed the surgery, the location where the surgery was performed, and information concerning the death or complication and the circumstances in which the death or complication occurred. The bill specifies that statistical reports compiled by the State Department from the reported information are subject to public inspection.

The bill also requires six months of supervised nonsurgical treatment before health insurance, a state health care plan, or a health maintenance organization must cover surgical treatment for morbid obesity. Current law requires 18 months of supervised nonsurgical treatment. (CCR, Roll Call 359: 50-0)

SEA 284 establishes the State Department of Health as the lead agency for the development and implementation of a statewide trauma system, and authorizes ISDH to adopt rules concerning the trauma system. The bill names ISDH as the lead agency for the development, implementation, and oversight of a statewide comprehensive trauma system. The bill allows ISDH to adopt rules concerning the development of a trauma registry and standards for trauma care-level designations for hospitals. (CCR, Roll Call 360: 50-0)

SEA 308 allows the Office of Medicaid Policy and Planning to apply for federal approval to amend the State Medicaid Plan to include a pay-in option under which a Medicaid recipient on the aged, blind, and disabled waiver may satisfy the state's income spend-down requirements by paying to the state the spend-down amount each month.

Spend-down is a provision that allows a person whose income exceeds the Medicaid financial eligibility standard to receive some Medicaid assistance. The degree to which income exceeds the eligibility standard is the amount of the spend-down required before the applicant becomes eligible for Medicaid each month. The current standard is \$619 per month for a single applicant and \$920 per month for a couple. Spending must be for medical expenses that are not subject to or paid by insurance, although payments made by state or local programs will count towards an applicant's monthly spend-down obligation. Once the spend-down obligation is met for the month, Medicaid pays for any other covered services incurred in that month. Documentation of spend-down obligations has been done on a manual basis by the recipients with the local Offices of Family Resources. Beginning in January 2006, OMPP implemented a new system that treats the spend-down obligation in a manner similar to an insurance deductible. Medical providers file their claims with Medicare or other insurers first. A Medicaid claim is filed once Medicare or other insurers have processed the claim. Medicaid deducts the spend-down amount from the claim and notifies the provider that they may bill the patient for the amount that Medicaid does not pay. In certain other circumstances, the recipient must still provide bills or receipts to their local Office of Family Resources.

This bill would not affect the amount of spend-down Medicaid recipients pay, but would eliminate the burdensome and complicated process of documenting monthly out-of-pocket

medical expenses by spend-down recipients to meet the Medicaid spend-down amount. (3rd reading, Roll Call 145: 49-1)

HEA 1023 will allow additional methadone treatment facilities to be approved. Currently, the Department of Mental Health and Addiction may not grant approval for a facility to become a new provider of methadone or other drugs used to treat an opiate addiction unless the drugs will be provided in a county with a population of more than 40,000, there are no other providers located in the county or in a county contiguous to the county where the provider will provide the drugs, and the provider supplies a needs assessment and any other information required to the DMHA.

This bill would allow the DMHA to grant approval to a new provider in a county contiguous to a county with a methadone clinic if they meet the previously mentioned requirements and there are no other providers in the county in which the provider is seeking approval. The state currently approves 12 methadone clinics located in 7 counties. There are 16 counties in which providers would now be eligible under this bill to apply for approval to operate a methadone clinic. The author of the bill, Rep. Ayres, is from Porter County, which has recorded a growing addiction problem. While there are currently 4 methadone clinics in Lake County, which is adjacent to Porter County, due to how current law is construed, no clinic could be opened in Porter County. This bill resolves this logistical problem. The bill also allowed for an additional five liquor licenses to be issued to Portage for new restaurants. (3rd reading, Roll Call 207: 49-1)

HEA 1097 provides for registration of discount medical card program organizations and specifies requirements for registration and conduct of a discount medical card program organization. "Discount medical card program" means a program through which a discount medical card program organization provides, in exchange for consideration, a cardholder with access to medical services provided by a program provider under a provider agreement. The Department of Insurance (DOI) would oversee the registration of discount medical programs.

The bill also provides additional continuing education credit hours for insurance producers who take certain courses and adds two members to the Insurance Producer Education and Continuing Education Advisory Council. (3rd reading, Roll Call 239: 50-0)

HEA 1106 will no longer require persons or entities, including state agencies and local units of government that provide defibrillators on their premises to provide training for employees in the use of the equipment. This bill was indorsed by the American Heart Association because due to technological advances, the AED machines are now very simple to use. (3rd reading, Roll Call 210: 50-0)

HEA 1113 grants immunity from civil liability for certain persons in the food and beverage industry, including advertisers, marketers, and advertising media, from a claim concerning weight gain, obesity, a health condition associated with weight gain or obesity, or a generally known condition allegedly caused by or allegedly likely to result from the long term consumption of food or beverages. Similar legislation in other states has been called by different names: New Mexico referred to a similar measure as the "Right to Eat Enchiladas Act, in Oklahoma the "Common Sense Consumption Act", and federally dubbed the "cheeseburger

bill". Rep. Heim referred to this Indiana bill as the "Big Mac Protection Act". The bill provides that the immunity does not apply if the weight gain is related to a pregnancy, or if it relates to certain types of misbranding, adulteration, or knowing and willful violations of state or federal law, but effectively prevents most obesity lawsuits, very few of which have been filed nationally, and none of which have been filed to date in Indiana. (3rd reading, Roll Call 212: 41-9)

HEA 1235 establishes the procedure for a public health authority to obtain or issue an order to restrict the movement of an individual in the least restrictive manner when there is evidence that the individual has been exposed to a dangerous communicable disease, and requires a public health authority to distribute certain information to the public. Health officers currently have the authority to impose quarantine on individuals. This bill specifies the court procedure to be used if a public health officer believes that restriction of an individual's movement is necessary to avoid exposure of other individuals to a dangerous communicable disease. In preparation for any pandemic, particularly the avian flu, the General Assembly opted to enhance the state's isolation and quarantine procedures to provide the most effective protection for the public while protecting the rights of the quarantined, as well as creating a Class A misdemeanor for violating the conditions of quarantine or isolation.

The bill also provides an exemption to food sanitation law for specified organizations under certain circumstances until January 1, 2008. This so called "potluck exemption" eliminates religious or non-public educational organizations that offer food for sale at events for the benefit of the organizations to opt out of state public health laws for food preparation as passed in the 2004 legislative session, opt to be covered by these laws, or opt to follow 'good practice' but not be subject to state or local public health laws concerning food preparation. Current law specifies that these groups are exempt if members of the organization prepare and label the food that will be sold to the final consumer and that the organization have sales of food for no more than 30 days in a calendar year. (CCR, Roll Call 399: 50-0)

HEA 1314 requires the State Department of Health to study the use of drugs, alcohol, and tobacco by pregnant women and programs that are available to assist women who suffer from drug or alcohol abuse or smoke during pregnancy. The bill requires the study to be completed and a report to be submitted to the Legislative Council and the Health Finance Commission before October 1, 2006. (3rd reading, Roll Call 304: 49-0)

HEA 1395 makes several changes to the structure and authority of the Marion County Health and Hospital Corporation, which operates Wishard Memorial Hospital and the Marion County Health Department.

This bill requires a majority vote of the Health and Hospital Corporation board to take final action. Current law requires a majority vote of the board members who are present. It requires a memorandum to be prepared for the Health and Hospital Corporation board's meetings. The bill removes the requirement that the Corporation record the vote of items that affect private rights. It amends the publishing requirements before a proposed ordinance of the Corporation is adopted.

The bill also establishes requirements for a change of judge in civil enforcement actions. The bill allows the Corporation to establish a charitable foundation and nonprofit corporations. It allows employees and contractors of a municipal corporation to enter property that is in violation

of an ordinance. It allows the enforcement authority to order removal of a public health hazard. The bill further repeals the requirement that a municipal corporation's schedule of ordinance violations be approved by the city-county legislative body. (3rd reading, Roll Call 242: 50-0)

Other noteworthy health care bills were considered, but failed to emerge from conference committee. HB 1172 as it passed the House provided that informed consent to an abortion includes the requirement that a physician inform a pregnant woman that a fetus might feel pain. It also required that notice must be given in writing at least 18 hours before an abortion concerning the availability of adoptions, concerning physical risks to the woman in having an abortion, and that human physical life begins when a human ovum is fertilized by a human sperm. The bill was amended in the Senate Health and Provider Services committee to only require certain informed consent language about adoption alternatives be provided in writing to a woman at least eighteen hours before an abortion can be performed, as well as informing the woman of the health risks to having an abortion. This language passed out of the Senate 48-1. The House author dissented to these changes and sent the bill to conference committee. No action was taken in the Senate on the conference committee report due to time constraints on the last night of session. (3rd Rdg. RC# 289, 48-1 – Bowser no, Smith excused)

Another controversial bill was HB 1080. This bill would have set physical plant standards for abortion clinics, such as the sizes and location of rooms, widths of hallways, and requiring all clinics to have a restroom and a drinking fountain. The law would apply to current and future clinics with no 'grandfather' provisions. Any clinic that did not meet these standards by Jan. 1, 2007, could have its license revoked. The Indiana State Department of Health (ISDH) would be required to inspect every clinic by Aug. 1 of this year and inform the clinics by Sep. 1 if they do not comply. As originally written, this bill effectively would have closed every existing abortion clinic in the state. The Senate Health and Provider Services committee amended the bill to only include a policy requiring abortion clinics to meet certain health and safety standards, and requiring clinics to be inspected by the ISDH at least once a year. This version of the bill passed out of the Senate 48-1. Due to the significant changes made to the bill by the Senate, HB 1080 went to conference committee, but a report did not emerge from conference committee. 3rd Rdg. RC# 251, 48-1 – Bowser no, Smith excused)

Insurance

SEA 11 – Various securities matters: This bill provides that transactions exempt from certain security registration requirements include the offer or sale of securities involving certain mergers or share exchanges that occur within or outside the United States. (Current law exempts the offer or sale of securities involving certain mergers or share exchanges that occur within the United States.)

It changes the method of selection of home and branch offices of registered broker-dealers for completion of compliance reports. Provides that: (1) the chief deputy commissioner and each designated attorney or investigator are police officers of the state and members of the enforcement department of the securities division; and (2) certain violations may be brought in the county where the violation allegedly occurred or Marion County.

It requires the securities commissioner to send a certified copy of a final order suspending or revoking a person's license or an order to cease and desist to the insurance commissioner who may institute proceedings to revoke or suspend the person's insurance producer license.

The bill changes the: (1) time a franchisor must renew a registration from 30 days before expiration of the registration to not later than the date the registration expires; and (2) time an employer who has an employee conducting origination activities must register from 15 days to five days after the employee first conducts origination activities.

The bill provides that: (1) the securities commissioner may provide certain interpretive opinions or issue determinations under the law concerning loan brokers; and (2) certain individuals under the law concerning loan brokers may request an appeal from a denial of an application or a final order by the securities commissioner.

It requires that a person who does not comply with an order of the court or judge under the law concerning loan brokers be punished for contempt of court. Concurrence, RC# 314, 48-0.

SEA 229 – Independent college self-insurance program: This bill allows independent colleges and universities to establish a trust to jointly self-insure retained risks under certain circumstances. Requires registration and regulation of such a trust by the department of insurance.

The bill establishes the Independent Educational Institution Self-Insurance Consortium. The Consortium would consist of two or more Indiana private colleges and universities and would be able to self-insure the following types of coverage:

1. Property and casualty coverage
2. Worker's compensation coverage
3. Employee health coverage
4. Employee vision coverage
5. Employee dental coverage
6. Other coverage

The consortium can establish a trust to cover certain retained risks and purchase stop-loss insurance coverage on the risks. The trust shall retain a total risk for the self-insurance fund of not more than 125% of the expected claims the following year and obtain stop-loss insurance coverage to cover losses in excess of the amount self-insured by the consortium. Contributions by members must be set to fund 100% of the total risk retained by the self insurance fund plus all other costs of the trust.

The trust is to be registered with the Department of Insurance. The Department may deny, suspend, or revoke the registration of the trust if the commissioner finds that the trust:

1. Is in a hazardous financial condition
2. Refuses to be examined or produce records for examination
3. Has failed to pay a final judgment rendered against the trust by a court within 30 days

The bill should not increase expenditures of the Dept of Insurance.

The consortium could reduce the insurance costs of colleges and universities by allowing them to pool their risks. Approved by a vote of 50-0.

SEA 321 – Unemployment insurance: This bill transfers numerous rulemaking and administrative duties of the unemployment insurance board (board) to the Department of Workforce Development (department).

It reduces from 150 to 30 days the time within which a successor employer is required to file an application to assume a predecessor employer's experience account.

Establishes civil penalties for an individual who fails to disclose or falsifies information to receive a benefit.

The civil penalty is:

1. An amount equal to 25% of the benefit overpayment for the first instance
2. An amount equal to 50% of the benefit overpayment for the second instance
3. An amount equal to 100% of the benefit overpayment for the third and each subsequent instance

It provides additional circumstances in which an administrative law judge or the review board may hold hearings by telephone.

Provides that the department may not disclose to an employer the current address or location of a claimant who is the victim of family or domestic violence, and that an employer or its agent that is aware that a claim has been made shall keep that information confidential.

The bill repeals and restates provisions concerning an individual's failure to disclose earnings and witness fees.

It authorizes the department to allocate not more than \$2 million dollars annually from the special employment and training services fund to establish reemployment training accounts for dislocated department employees. Repeals language: (1) concerning board rules; and (2) requiring the board to print and distribute certain material. CCR, RC# 371, 50-0.

SEA 339 – Certificate of salvage titles: This bill authorizes the owner of a salvage motor vehicle to retain possession of the salvage motor vehicle under certain circumstances. It sets the procedure for the owner to obtain a certificate of salvage title.

The bill repeals and relocates language relating to the fee for the issuance of a salvage title. Specifies that the revenues collected from the issuance of salvage titles shall be deposited in the motor vehicle highway account.

The bill makes it a Class D infraction for a person who fails to comply with certain requirements concerning certificates of title and certificates of salvage title on salvage motor vehicles. Concurrence, RC# 369, 50-0.

HEA 1239 – Preexisting conditions: This bill applies the law concerning coverage limitations for preexisting conditions under an individual policy of accident and sickness insurance to certificates of coverage issued under certain association group policies of accident and sickness insurance. 3rd Rdg. RC# 296, 49-0.

HEA 1392 – Insurance Matters: This bill amends HEA 1006-2006 concerning school corporation pooling for insurance to:

- (1) require creation of a trust;
- (2) specify the aggregate retention and school corporation contribution levels; and
- (3) require maintenance of a fidelity bond.

It requires a foreign or alien insurance company that provides certain surety bonds to appoint the commissioner of the department of insurance as the company's agent for service of process in certain actions. The bill defines "commercial policyholder" for purposes of the law concerning regulation of insurance rates.

It removes certain requirements concerning commercial insurance issued by an insurer that maintains a certain rating. Changes reporting requirements for insurers concerning commercial insurance.

It amends the life and health insurance guaranty association (association) law.

The bill specifies certain information concerning:

- (1) association coverage for Indiana residents and nonresidents insured by domestic and nondomestic insurers;
- (2) association accounts;
- (3) assessment procedures;
- (4) subrogation;
- (5) powers and duties of the association, the board of directors of the association, and the commissioner of the department of insurance with respect to the association;
- (6) plan of operation of the association;
- (7) prevention of insolvencies;
- (8) immunity; and
- (9) notice to policy owners and contract owners.

It repeals and replaces provisions concerning association coverage. Repeals a provision that requires an insurer that insures a public entity as an exempt commercial policyholder to maintain a certain rating.

The bill allows certain members of the political subdivision catastrophic liability fund to withdraw from the fund and receive a rebate of a part of the member's previous assessments. CCR, RC# 383, 50-0.

Local Government Matters

HEA 1010 would require any entity attempting to use eminent domain to first establish a proposed purchase price for the property, provide the owner with an appraisal or other evidence used to establish the purchase price and conduct a good faith negotiation with the owner. (*For more information, see section on Civil Law under Criminal, Civil, Corrections, Courts and Probate.*)

HEA 1076 includes water and wastewater, in addition to energy, under the guaranteed savings contracts and utility efficiency programs that may be used by local units of government to reduce consumption and usage costs or to provide billable revenue increases.

Current law allows local units of government to enter into a utility energy efficiency program or a guaranteed energy savings contract with a qualified provider to reduce the unit's energy consumption costs or operating costs if the savings due to an improvement will cover the costs of the improvement.

This bill will allow the same to be done for projects that will reduce water usage and consumption costs. It also will allow local units to enter into efficiency programs or savings contracts to provide billable revenue increases. Local units of government would not only be able to pay for additional conservation improvements with cost savings but could also experience those cost savings after the improvement is paid in full. The fiscal impact of this bill is dependent on local action. (3rd Reading, RC 231, 47-0)

HEA 1102 specifies that the annual reports filed with the State Board of Accounts by governmental units must specifically show the business addresses of officers and employees. (Current law specifies only that the "addresses" must be included.)

The bill provides that if a county auditor publishes a notice concerning a tax rate, tax levy, or budget of a political subdivision in the county and that notice contains an error or omission for which the county auditor is responsible, the county auditor then must publish (at the county auditor's expense) a notice containing the correct tax rate, tax levy, or budget as proposed or fixed by the political subdivision; the department of local government finance may correct the error or omission at any time; and the maximum amount to which the department of local government finance may increase the tax rate, tax levy, or budget is the amount originally fixed by the political subdivision and not the amount incorrectly published or omitted in the notice.

It provides that certain specified facilities, such as golf courses, massage parlors, and racetracks, are not eligible for the "automatic abatement" for personal property. (Current law provides that these facilities are not eligible for the automatic abatement for real property.)

The bill amends the county recorder fee statute to provide that the cost of furnishing a page not larger than 8 inches by 14 inches is \$1, regardless of whether or not the page is produced by a photographic process.

It provides that a political subdivision has two weeks (rather than one week) to respond to the department of local government finance (DLGF) if the DLGF revises the political subdivision's budget, tax rate, or tax levy.

It allows transfers to the political subdivision's rainy day fund to be made at any time.

It provides that an appeal by a township board to borrow money to fund township assistance is made directly to the department of local government finance.

The bill repeals provisions concerning appeals by townships to county commissioners and county councils for the borrowing of money for township assistance.

It repeals provisions concerning county borrowing for township assistance. It repeals a provision authorizing the county fiscal body to levy property taxes and make an appropriation to advance money to a township for township assistance if the county commissioners determine that there will be insufficient money in the township assistance fund.

The bill allows the Northwest Indiana Regional Planning Commission to pay a claim or purchase order without obtaining a vendor's signature. It provides that a claim for reimbursement of mileage, meal, and lodging expenses to attend a state board of accounts conference may not be denied if the claim meets statutory requirements. It allows a municipality to adopt an ordinance providing for meal expense advances for a municipal employee who will be traveling on official business.

The bill increases from \$100 to \$250 the maximum amount that a violations clerk may accept for payment of ordinance violations. It provides that the amount that may be accepted shall be set by ordinance.

It increases the cost threshold at which bids are required for certain political subdivisions under the local public works statute to \$50,000. The bill specifies that small towns and certain other political subdivisions can use the same process that third class cities and large towns use involving requests for quotes when a public work project is estimated to cost at least \$25,000 and less than \$50,000.

It eliminates the requirement that a city legislative body hold its first regular meeting of the year at 7:30 p.m. on a Monday. Establishes a deadline of September 30 for a municipality to address property tax and budget matters and to set employee compensation for the following year.

The bill provides that, beginning July 1, 2007, the trustee of each township in Lake, Porter, and LaPorte counties shall appoint a member to the Northwest Indiana Regional Planning Commission if the township: (1) has a population of at least 8,000; and (2) does not contain a municipality.

The bill re-establishes the Northwest Indiana Transportation Study Commission (the existing commission expired November 2, 2005). It authorizes a municipality to establish a sewer improvement and extension fund and impose assessments to finance the construction, repair, or improvement of a sewage works. It also provides that assessments are imposed and collected in the same manner as Barrett Law assessments.

Adds the following two members to the Board of the Regional Bus Authority serving Lake County and Porter County: (1) One member appointed by the township trustee of the township containing the towns of Chesterton, Porter, Burns Harbor, and Dune Acres. (2) One member appointed jointly by the township trustees of Washington, Morgan, Pleasant, Boone, Union, Porter, Jackson, Liberty, and Pine townships in Porter County. It deletes a provision specifying that members of the board from Porter County may not vote on certain issues unless Porter County makes payments to the authority.

The bill changes the definition of "newspaper" for purposes of the statutes concerning publication of notices.

It specifies that in a year in which there is not an election of members to the township board, the township board may by unanimous vote reduce the salaries of the members of the township board by any amount. Provides that compensation of city officers and employees may be increased by the mayor during the budget year for which the compensation has been fixed. (Current law allows the mayor to decrease compensation.)

It specifies certain actions that entities may take after entering into an interlocal cooperation agreement related to economic development projects.

The bill provides that in the case of a town that has a population of less than 10,000 and that changes into a city, the ordinance dividing the town into city legislative body districts may provide that: (1) the city shall be divided into three districts; and (2) the legislative body of the city is composed of three members elected from the districts and two at-large members.

It deletes the \$25 limit on postage and publication costs that can be included in the minimum bid amount and provides that the price of property sold at a tax sale includes the greater of \$25 or the amount of the postage and publication costs.

The bill requires certain orders under the unsafe building law to also be served on persons having a present possessory interest in the premises.

The bill specifies that a person with a property interest in an unsafe premises who does not: (1) record an instrument reflecting the interest; or (2) provide to the enforcement authority the person's name and address, and the location of the unsafe premises; is deemed to consent to reasonable action taken under the unsafe building law for which notice would be required and relinquishes a claim to notice.

It provides that liens for special assessments have the same priority status as liens for property taxes. It increases the interest rate on delinquent tax payments made by mortgagees from 6% to

10% (the same rate applicable to tax sale purchasers). Specifies that real property for which any property taxes or special assessments are delinquent from the prior year's fall installment is eligible for tax sale if a county executive has certified to the county auditor that the real property is vacant or abandoned. It specifies that this property must be offered for sale in a different phase of the tax sale or on a different day of the tax sale than the phase or day at which other real property is offered for sale. It retains current law (property is eligible for tax sale if taxes or special assessments from the prior year's spring installment are delinquent) for all other real property.

The bill provides that the statutes prohibiting certain persons from bidding at a tax sale do not prohibit the owner of a tract that is offered at a tax sale from bidding on that tract.

It allows all counties to use a provision that currently allows only Marion County to designate certain delinquent properties for acquisition.

The bill prohibits persons who have violated the unsafe building law from bidding at tax sales.

It provides that a sale to an ineligible bidder is subject to forfeiture, based on the determination of the county treasurer. Provides that in the event of forfeiture, the amount of the bid will be applied to the amounts owed by the ineligible bidder and a certificate for the property shall be issued to the county executive.

The bill repeals a provision authorizing a second tax sale. It provides that property not sold at the single tax sale shall be transferred to the county executive (or the metropolitan development commission, in the case of Marion County). It provides an alternate date (51 days after the tax payment is due) by which the county treasurer may certify to the county auditor the list of property for which taxes are delinquent. Specifies that a tax sale of a tract or item of real property must be made not later than 171 days after the list containing the tract or item of real property is certified to the county auditor.

The bill specifies that persons prohibited from purchasing property at a tax sale are also prohibited from purchasing certificates of sale. Provides that when real property is redeemed and the certificate of sale is surrendered to the county auditor, the purchaser of the certificate of sale or the purchaser's assignee is entitled to receive from the county an amount equal to: (1) the amount received by the county treasurer for redemption; minus (2) if the certificate of sale was sold for less than the minimum bid, an amount equal to the difference between the minimum bid and the amount for which the certificate was sold.

The bill replaces the term "county commissioners" with "county executive" in the tax sale statutes. It allows the county executive or metropolitan development commission to hold, manage, maintain, use, convey, or dispose for any redevelopment purposes those properties not sold for the minimum bid.

The bill gives redevelopment commissions and the metropolitan redevelopment commission additional powers concerning the disposition of tax sale properties.

It allows a hearing authority under the unsafe building law to impose fines and additional civil penalties under certain circumstances. It allows the civil penalties and fines to be collected under the special assessment procedures. The bill increases the amount of a civil penalty that may be imposed by a court under the unsafe building law from \$1,000 to \$5,000. It provides that a hearing authority under the unsafe building law may impose additional civil penalties if the hearing authority finds that: (1) significant work on the premises to comply with the original order has not been accomplished; and (2) the premises have a negative effect on property values or the quality of life of the surrounding area or the premises require the provision of services by local government in excess of the services required by ordinary properties.

The bill allows a court to require a performance bond from a property owner if the property owner requests additional time to comply with an order under the unsafe building law. It amends the notice requirements for certain actions under the unsafe building law. It provides that in the case of a tax sale purchase that may be forfeited because the purchaser owes delinquent taxes or assessments, the county treasurer must notify the person in writing that the sale is subject to forfeiture if the person does not pay the amounts that the person owes within 30 days of the notice.

The bill provides that if a county executive disposes of real property, the property taxes collected for the real property in the first year the real property is subject to taxation after the year the real property is sold or otherwise conveyed shall be disbursed to the county executive that sold or otherwise conveyed the real property.

It provides that the disbursements to the county executive must be deposited in the county general fund, the redevelopment fund, the unsafe building fund, or the housing trust fund. Specifies that this disbursement to the county executive terminates in the second year the item of real property is subject to taxation.

The bill requires a local authority to make an engineering and traffic investigation before making certain speed limit changes inside and outside of an urban district. It provides that a local authority does not have to perform an engineering and traffic investigation to determine the proper maximum speed for local streets in an urban district if the local authority determines that the proper maximum speed in the urban district is not less than 25 miles per hour. (CC 1, RC 379 50-0)

HEA 1249 provides that the Criminal Justice Institute may de-obligate funds to a local government entity if the entity fails to comply with the fund requirements. It provides a process to reinstate the funds.

The bill provides that a local coordinating council (council) shall be appointed and approved by the Commission for a Drug Free Indiana (commission). It requires a council to submit a comprehensive drug free communities' plan (plan) for the approval of the commission before a county fiscal body appropriates county drug free community funds. It requires a council to determine the amount of funds that a county fiscal body shall appropriate to implement the objectives set forth in the plan. The bill provides that if a plan is not approved by the commission, the county fiscal body may not appropriate funds as set forth in the plan.

The bill provides that if a county legislative body allocates funds without the approval of the plan by the commission, the commission may: (1) appoint a new council; (2) freeze funds allocated by the county legislative body; or (3) reevaluate the plan.

Under current law, the Indiana Criminal Justice Institute may disburse federal and state funds to entitlement jurisdictions or local government entities. As proposed, this bill would allow the ICJI to deobligate disbursed funds should the entitlement jurisdiction or local government entity fail to comply with any requirement of the grant or funding it accepted.

The ICJI may then reinstate funds if the entitlement jurisdiction of the local government entity complies with the requirements of the grant or funding within 6 months of the deobligation of funds. If the entitlement jurisdiction or local government entity does not comply within 6 months, the ICJI may reallocate the funds. (3rd Reading, RC 189, 50-0)

HEA 1362 establishes a uniform procedure for the reorganization of political subdivisions. It provides that "political subdivision" does not include a local hospital authority or corporation. It provides that the reorganization process may be initiated by the legislative bodies of the reorganizing political subdivisions or by a petition signed by 5% of the voters in the reorganizing political subdivisions (as determined by the vote cast in the political subdivision for secretary of state at the most recent general election).

The bill requires the reorganizing political subdivisions to appoint individuals to a reorganization committee to develop a plan for reorganization. It provides that political subdivisions and reorganization committees acting under the reorganization statute are subject to the open door law and the public records law. It specifies the elements that must be included in the plan.

The bill provides that the proposed reorganization shall be submitted to the voters for approval if the plan is approved by the legislative bodies of the political subdivisions or, in some circumstances, if at least 10% of the voters in a political subdivision (as determined by the vote cast in the political subdivision for secretary of state at the most recent general election) submit a petition approving the plan of reorganization and requesting the public question to be held. It provides that reorganization may occur only if the voters of the reorganizing political subdivisions approve the reorganization in the public question.

The bill provides that in the case of a proposed reorganization between a county and a municipality, the legislative bodies of the reorganizing political subdivisions must agree on whether the public question on the proposed reorganization shall be: (1) conducted on a county-wide basis, without a rejection threshold; or (2) conducted on a county-wide basis, with a rejection threshold. It provides that in the case of a proposed reorganization between a county and a municipality, the reorganization committee shall include in the reorganization plan the percentage of voters voting on the public question regarding the proposed reorganization who must vote in favor of the proposed reorganization, on a county-wide basis, for the public question to be approved (the "county-wide vote approval percentage").

The bill provides that if the legislative bodies agree that the public question shall include a rejection threshold, the reorganization committee shall determine that rejection threshold percentage. Specifies that the rejection threshold must be the same for each municipality that is a party to the proposed reorganization and to the county that is a party to the proposed reorganization.

The bill provides that in the case of a proposed reorganization between a county and a municipality, the reorganization is approved only if: (1) the percentage of voters voting on the public question who vote, on a county-wide basis, in favor of the proposed reorganization is at least equal to the county-wide vote approval percentage included in reorganization plan; and (2) if the legislative bodies have agreed to include a rejection threshold, the percentage of voters of the county (excluding the voters of the reorganizing municipalities) voting on the public question who vote against the reorganization is less than a rejection threshold specified in the final reorganization plan and the percentage of voters of each reorganizing municipality voting on the public question who vote against the reorganization is less than the rejection threshold specified in the final reorganization plan.

It requires the department of local government finance to adjust the maximum property tax levies, maximum property tax rates, and budgets of political subdivisions that reorganize. It provides that: (1) indebtedness that was incurred by a political subdivision before the reorganization may not be imposed on taxpayers that were not responsible for payment of the indebtedness before the reorganization and must be paid by the taxpayers that were responsible for payment of the indebtedness before the reorganization; and (2) pension obligations existing as of the effective date of the reorganization may not be imposed on taxpayers that were not responsible for payment of the pension obligations before the reorganization and must be paid by the taxpayers that were responsible for payment of the pension obligations before the reorganization.

The bill provides that when the reorganization is effective, all the participating political subdivisions except the remaining reorganized political subdivision cease to exist. Makes related changes. It establishes a procedure for political subdivisions to enter into cooperative agreements and provide for the transfer of functions of an employee or department of the political subdivision (including an elected office) to another employee or department of any political subdivision that has entered into the cooperative agreement. It provides that the cooperative agreements must be initiated and approved in the same manner that is set forth in the bill for the reorganization of political subdivisions. (CCR, RC 412, 44-5)

SEA 56 changes the expiration date for the additional distributions from the pension relief fund that ensure that at least 50% of the pension liability of each unit of local government is paid from the pension relief fund from January 1, 2008, to January 1, 2009. (3rd Reading, RC 94, 50-0)

SEA 277 provides that the Gary City Council may adopt an ordinance providing for the payment of a salary or a per diem to members of the board of managers of the Genesis Convention Center who do not hold another lucrative office. (3rd Reading, RC 139, 50-0)

SB 1 would have consolidated the townships, fire protection territories, and the airport authority in Marion County into one fire department. The bill was a portion of Indianapolis Mayor Bart Peterson's IndyWorks proposal to streamline government for Indianapolis and save taxpayer money. The consolidation of the fire departments is estimated to save millions of dollars for the city. The legislation did not pass as an agreement could not be reached in conference committee. 3rd Rdg. RC# 135, 31-19

Pensions & Labor

SEA 55 changes the expiration of the Public Safety Deferred Retirement Option Plan, (DROP). For members of the 1925 Fund, the 1937 Fund, or the 1953 Fund, DROP expires when the Pension Relief Fund distributions stop. This makes the expiration dates of both programs coincide. For members of the 1977 Fund, the bill eliminates the expiration of the DROP. There is also a section on the calculation of Line of Duty Benefits. The bill provides that the death benefits for an employee whose retirement plan was established by the sheriff's department and who dies in the line of duty are calculated under the provisions of the county's retirement plan as if the employee had never entered a DROP, if: the employee beneficiary dies in the line of duty before payment of the employee beneficiary's monthly pension amount begins; and the calculation of a death benefit under the county's retirement plan depends upon whether an employee dies in the line of duty or not. (Senate RC: 317, 50-0.)

SEA 56 changes the expiration date of additional Pension Relief Fund distributions from January 1, 2008 to January 1, 2009. The Pension Relief Fund was created in 1977 to help cities and towns meet their police and fire pension obligations. The one year extension of the sunset date for this provision will result in an additional distribution from the Pension Relief Fund of approximately \$4.7 M during 2008. (Senate RC: 94, 50-0).

SEA 57 authorizes a state agency to release an individual's Social Security number for the purpose of administering a state retirement fund or deferred compensation plan, like PERF, TRF, or deferred comp. The bill establishes a review process for an impairment awarded because a local pension board did not act in a timely manner. Indiana statute gives the parameters for what constitutes "a timely manner." The bill extends the pilot program for the Legislators' Defined Contribution Plan until July 1, 2007. The Legislators' Defined Contribution Plan is a pilot program concerning: (1) the implementation of a member's investment selection; and (2) the crediting of a member's contributions and earnings; for the fund. (Senate RC: 318, 50-0).

SEA 58 has three provisions concerning TRF. The first specifies the eligibility requirements that a member of the fund must meet in order for that member's spouse to qualify for survivor benefits. The member must now be eligible to receive retirement or disability benefits under, in order for the spouse to receive the survivor benefits. The second provision of the bill allows members of TRF to elect to begin receiving PERF if eligible and to choose at their retirement date whether to retire from TRF or PERF. The third provision is an attempt to prevent duplication in state retirement funds. It says that if you are serving in the military you can still accrue credit in your TRF account unless you are earning credit for that same time in a military or other government retirement plan. (Senate RC: 96, 50-0).

SEA 85 reduces the years of service credit required before prosecuting attorneys can vest in their retirement fund, from 10 to 8 years. Other members of the judicial branch can vest at 8 years. The current statute of 10 years requires prosecuting attorneys to be elected to a third term before they can vest. The change to eight allows them to now vest at the end of their second term. (Senate RC: 100, 50-0)

SEA 206 deals with disability benefits for public safety employees. It states that police officers, fire fighters, or emergency medical service providers who develop certain cancers or heart or lung diseases that are exposure related are presumed to have developed the disability in the line of duty. The bill also creates an exception, stating that public safety workers who have used tobacco products at any time in the five years prior to their diagnosis are not eligible to receive disability benefits. Furthermore, the bill allows rebuttal hearings or meetings to take place in an executive session. This means they do not have to be public hearings. Finally, the bill states that the disability benefits continue for the life of the disabled member. (Senate RC: 325, 49-0)

SEA 321 has several provisions related to unemployment insurance. The first provision transfers some of the rulemaking and administrative duties from the Unemployment Insurance Board to the Department of Workforce Development. The bill then reduces the time for an employer to assume a predecessor employer's experience account from 150 to 30 days. The bill establishes civil penalties for an individual who fails to disclose or falsifies information to receive benefits. It provides additional circumstances in which an administrative law judge or the review board may hold hearings by telephone. The bill provides that the DWD may not disclose to an employer the current address or location of a claimant who is the victim of family or domestic violence, and that an employer or its agent that is aware that a claim has been made shall keep that information confidential. The bill repeals and restates provisions concerning an individual's failure to disclose earnings and witness fees. The bill authorizes the department to allocate not more than \$2 M dollars annually from the Special Employment and Training Services Fund to establish reemployment training accounts for dislocated Department employees. (Senate RC: 371, 50-0).

SEA 332 entitles the survivor of a Department of Corrections employee at a prison or juvenile facility who is killed in the line of duty to receive a \$150,000 death benefit from the special death benefit fund. It gives the children or spouse of an employee killed in the line of duty free tuition at a state-sponsored college or university. The bill requires the Pension Management Oversight Commission (PMOC) to study retirement and other employee benefits for hazardous duty workers of the DOC and make recommendations, including any recommended legislation, concerning those benefits. The Commissioner of the DOC testified in committee that many of these employees work with some of Indiana's most violent criminals, and as a result have a dangerous job. He also explained that one of the goals of this bill is to reduce the high turn-over rate in the DOC. Many of the employees of the DOC have worked there for less than five years. (Senate RC: 148, 50-0)

SEA 340 includes several provisions intended to protect state employees. The first allows for an employee who is demoted for a non-disciplinary reason to retain the same salary as before the demotion. The next provision allows for a PERF withdrawal by the employee in cases where a

state employee's position has been outsourced. This provision also allows employees whose positions have been outsourced to retire if they qualify for normal or early retirement. Another provision allows for the state to purchase up to 24 months of creditable service needed by an employee to elect either normal or early retirement. The state has 3 funding options for this: First if the outsourcing results in a lease or contract that pays the state then some of that payment must be used. Alternately if the state has a remaining appropriation from the department being closed, then they must use that, If neither of the previous two options are adequate then the PERF board may request an appropriation from the General Assembly. There is also a rollover provision for non-vested employees. If they do not choose a withdrawal from the PERF program they can have the lump sum rolled over into another retirement plan or account. Finally the bill allows the state to purchase supplementary insurance beyond what is provided under a United States Military health care plan. (Senate RC: 362, 50-0).

HEA 1234 extends the special death benefit for public safety officers to special deputies who are employed by a political subdivision and to certain airport police officers and firefighters. The death benefit is \$150,000 for a public safety officer who dies in the line of duty. A political subdivision is defined in IC 36-1-2-13 as a municipal corporation or special taxing district. This bill will include deputies hired by the judicial branch to serve warrants, as well as the airport police and firefighters. (Senate RC 217, 49-1).

HEA 1267 allows a child to hold more than one work permit. This will allow a student to split his hours between the two employers. A student must have separate work permits for each employer, each work permit will state the number of hours per week the student may work for that employer, and the hours on all work permits may not exceed the current maximum limit denoted by the child labor laws; which are not changed by the bill. The bill also assigns civil penalties to employers who violate the maximum hours per week provisions. (Senate RC: 232, 47-0)

HEA 1307 has several provisions concerning worker's compensation. The most drastic change is the language dealing with burden of proof for worker's compensation claim. Currently, case law places the burden of proof for worker's comp claims on the employer. If there is a question that the employee's injury was the result of self-infliction, statute says the burden of proof is on the employer to prove that as well. In a change of policy, this bill specifically assigns the burden of proof in worker's comp claims to the employee. Senator Tallian offered two identical amendments that would remove this burden of proof language. One was offered in committee and defeated 5-6 (party line), the other, 1307-1, was offered on second reading and was also defeated on party lines (RC: 203, 33-17). This section also states that there will be no presumption in favor of an employee if evidence is provided.

The bill also increases some of the compensation benefits. The "Permanent Partial Impairment Benefit" increases the award for disability based on the degree of impairment. The average weekly wage benefit is also increased as follows: from \$882 to \$900 for FY 2007, \$930 for FY 2008, \$954 for FY 2009, and \$975 for FY 2010 and beyond. Medical benefits are determined by the degree of impairment and are not based on the employee's wages. The bill also increases the maximum compensation (exclusive of medical benefits) that may be paid for an injury under the worker's compensation and occupational disease law. These increases are: from \$294,000 to \$300,000 for FY 2007, to \$310,000 for FY 2008, \$318,000 for FY 2009, and \$325,000 for FY

2010 and beyond. Senator Tallian offered an amendment (1307-2) that would increase the average weekly wage used to calculate workers' comp and occupational disease cases more than what was called for in the current version of the bill, increase workers' compensation and occupational disease benefits for various degrees of impairment as well as increase the maximum recovery allowable. Instead of phasing in the maximum allowable over 3 yr, this amendment would have set it at \$318,000 after 7/1/06. This amendment was defeated 32-17 (RC 202). Senator Bowser also offered an amendment in committee which would allow families to sue a company for four times an employee's death benefit, if that employee's death was caused by the negligence of the company. This amendment was defeated on party lines. The bill adds new language which creates a schedule of attorney fees. The Worker's Compensation Board would still have control over the cases brought before it and could make its own schedule of fees for those cases.

There are also changes to the Second Injury Fund. The Second Injury Fund pays compensation claims to workers who have been injured a second time at work and this second injury has resulted in permanent or total disability. The bill changes the date that notice of a Second Injury Fund assessment must be sent to the employee from the Board from not later than October 1 to not later than November 1. The bill provides for a 10% penalty of the amount owed if the assessment is not paid within 30 days. It also changes the limit of the fund balance at which an assessment cannot be made by the Board. The bill states that if the amount of the fund is equal to or greater than 135% of the prior year's disbursements from the fund then no assessment is made. The bill also revises the computation for the assessment of the Second Injury Fund. The Board would determine the amount of the needed assessment and then allocate the assessment between the insured and self-insured employers. The assessment paid by insured employers would be paid based on premiums paid and by self-insured employers based on total claims paid. The bill passed the Senate by a vote of 50-0 (RC 234).

Public Safety

HEA 1099 – Fireworks sales, discharge, public safety fees, and injuries: The bill renames common fireworks as consumer fireworks. It authorizes the use of consumer fireworks on the property of the purchaser, on the property of another who has given permission for the use, and at special discharge locations. The bill revises the definition of resident wholesaler, importer, or distributor under certain circumstances and revises language related to the quantity of certain fireworks that may be sold from a Class 1 Structure. It establishes requirements for the tent or structure in which consumer fireworks may be sold. It specifies that certain fireworks may not be sold from or stored at a temporary stand. It revises language related to the transferability of a certificate of compliance issued to a retailer of consumer fireworks or to other dealers of fireworks and sets times during the day when a person may use certain fireworks.

Fire Prevention and Building Safety Commission: The bill requires the commission to adopt rules and interim guidelines concerning supervised public displays of fireworks. The commission may adopt rules specifying the conditions under which certain fire chiefs may grant a permit to a person to sponsor a special fireworks discharge location.

Registration Fees: The bill establishes annual registration fees for the retail sale of fireworks. It removes the requirement that a purchaser of consumer fireworks provide a written assurance that the consumer fireworks will be shipped out of Indiana within five days of purchase.

Penalties: The bill establishes various penalties for (1) the ignition, discharge, sale, possession, and use of certain fireworks under certain conditions. It revises language relating to the possession of a firework by a minor or the sale of a firework to a minor. It specifies that a child commits a delinquent act if the child commits certain fireworks violations.

Public Safety Fee: The bill establishes a Public Safety Fee of 5% on the retail sale of fireworks. It provides that the fee is to be collected by the Department of State Revenue (DOR) and deposited in the state General Fund. Revenue from the fee may be used to provide funds for disaster relief and training programs.

Appropriation of Fees to the Department of Homeland Security (DHS): The bill makes an appropriation to the DHS for certain disaster-related costs under certain circumstances.

State Department of Health: A practitioner who initially treats a person for an injury resulting from fireworks or pyrotechnics must report the case to the State Department of Health.

State Fire Marshal (SFM): The SFM must collect annual registration fees and deposit the fees in the Fire and Building Services Fund. The SFM must also issue certificates of compliance. The SFM or staff member must inspect tents and structures in which common fireworks are sold. The SFM may delegate this responsibility to a responding fire department with jurisdiction over the tent or structure. The SFM is no longer required to provide signs to interstate wholesalers.

Appropriation of Fees to the DHS: The DHS must report to the Budget Committee by July 1, 2006, on the feasibility of creating a regional training program and establishing a state disaster relief fund to pay for damages resulting from a disaster to a public facility and to defray certain expenses resulting from the disaster.

The bill appropriates from public safety fees \$1 M to the DHS to provide regional training for public safety service providers or advanced training programs during FY 2007. Funds appropriated may be allotted by the Budget Agency after review by the Budget Committee.

The bill appropriates from public safety fees in excess of \$1 M, \$1 M to the DHS to be used at the discretion of the DHS director for deposit in the state Disaster Relief Fund or to defray the costs of response, recovery, or the 25% costs required to be paid by local jurisdictions for federal disaster relief. The funds are appropriated during FY 2007. Funds appropriated may be allotted by the Budget Agency after review by the Budget Committee. CCR, RC# 378, 34-16

HEA 1107 – Funding of emergency warning systems under the Barrett law: This bill adds emergency warning systems to the list of improvements for which a county, municipality, or municipal improvement district may make expenditures with its Barrett Law funds. Passed by the Senate on 3rd Reading on 2/14/2006 by a vote of 50 to 0 (Roll Call #186)

HEA 1234 – Public safety officer death benefit (*For more information, see section on Pensions and Labor*).

HEA 1235 – Isolation, quarantine, and health matters: This bill establishes the procedure for a public health authority to obtain or issue an order to restrict the movement of an individual in the least restrictive manner when there is evidence that the individual has been exposed to a dangerous communicable disease, and requires a public health authority to distribute certain information to the public.

The bill prohibits a public health authority from prohibiting a person from possessing a firearm unless the person is in a mass quarantine location, and prohibits the removal of a firearm from a person's home. It establishes certain procedures concerning immunizations.

The bill provides that a person, facility, or other location that meets certain criteria is immune from civil liability resulting from an act or omission in providing health care services during an event that is declared a disaster emergency, even if the services were provided before or after the disaster emergency declaration.

The bill makes it a Class A misdemeanor to violate the conditions of quarantine or isolation. It repeals superseded provisions concerning the isolation of certain individuals.

The bill also provides an exemption to food sanitation law for specified organizations under certain circumstances until January 1, 2008.

Food Establishment Sanitary Standards: The role of the State Department of Health in enforcement of the sanitary standards is limited to inspections on state-owned properties such as the State Fairgrounds. The State Fair Board currently requires all participants involved in the sale of food items to comply with the sanitary requirements and to be inspected. CCR, RC# 399, 50-0.

HEA 1238 – Emergency management mobile support: This bill specifies the types of individuals who and the time frame in which an individual can be called to duty with a mobile support unit. It specifies liability provisions concerning the individual and compensation and reimbursement available to a member's employer or a member of a mobile support unit who is not an employee of the state or a political subdivision.

The bill provides that the state must pay benefits in addition to compensation to employees who serve in mobile support units. If a mobile support unit is deployed outside Indiana under the emergency management assistance compact, an individual serving as a member of the mobile support unit who is not an employee of the state is considered an employee of the state for purposes of the compact.

The state may reimburse employees or employers for compensation, travel, subsistence, and maintenance expenses; payments for death, disability, or injury of the employees; and losses of or damage to supplies and equipment.

The bill eliminates provisions whereby if the laws of another state do not contain provisions for assistance similar to Indiana's or if the federal government has agreed to pay for mutual reimbursement, then the state may not. 3rd Rdg. RC# 188, 50-0

HEA 1259 – Military bases: *Military Base Planning Council*: The bill adds members to the Military Base Planning Council. The bill also extends the responsibilities of the Council to include Camp Atterbury and the Muscatatuck Urban Training Center (MUTC).

The bill makes the following two changes relating to the Council.

(1) The bill adds the Commissioner of the Department of Workforce Development, the President of the Indiana Economic Development Corporation, the Director of the Office of Energy and Defense Development, and one member each of the county executive bodies appointed by the county executives of Daviess County, Monroe County, and Orange County to the membership of the Military Base Planning Council. (Note: The bill also changes the membership of the Director of the State Emergency Management Agency to the Executive Director of the Department of Homeland Security.)

The new Council members would be entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties. As of October 2005, the mileage reimbursement rate was \$0.34 per mile.

Under current statute, the Council consists of members of the Senate and House of Representatives, the Lieutenant Governor, the Adjutant General, the Commissioners of the Department of Environmental Management and Department of Transportation, and the Director of the State Emergency Management Agency.

(2) The bill expands the scope of the Council's responsibilities to include the Muscatatuck Urban Training Center in Jennings County and Camp Atterbury in Johnson County. Current statute requires the Council to study and identify infrastructure, community support needs, collaborative opportunities, and other factors that improve mission efficiencies and enhance the economic benefits of the Crane Military Base to Indiana.

The bill would extend these responsibilities of the Council to: (1) the MUTC, which is currently operated by the Indiana National Guard for the purpose of training homeland defense and security professionals; and (2) Camp Atterbury, which is currently a joint training center for active and reserve military components and the mobilization site for units of the National Guard and U.S. Army Reserve.

Military Base Enhancement Areas: The bill provides that a county in which the Crane Military Base is located is a qualified military base enhancement area.

The bill extends three existing tax incentives applicable to businesses locating or expanding within a "qualified military base enhancement area" to qualified businesses located in Greene, Lawrence, and Martin Counties. This change could potentially reduce revenue from the Sales and Use Tax and Adjusted Gross Income (AGI) Tax if a qualified business locates or expands operations in one of these counties. The net revenue impact depends on the extent that tax

collections on employees or other taxable activities attributable to the newly located or expanded business operations deviate from the amount of tax incentives claimed by the business. However, if the business location or expansion would have occurred in the absence of these tax incentives, the net impact would be the total incentives claimed by the business. Any resultant fiscal impact due to the bill could commence in FY 2007 depending upon when business operations qualify for the tax incentives.

Background: Under current statute, three state tax incentives are applicable to a business that locates or expands in a "qualified military base enhancement area" and satisfies at least one of the following criteria:

- (1) the business is a participant in the technology transfer program conducted by the Crane Military Base;
- (2) the business is a U.S. Department of Defense contractor;
- (3) the business has a mutually beneficial relationship with the Crane Military Base as evidenced by a memorandum of understanding with the U.S. Department of Defense.

Under current statute, a military base enhancement area comprises only territory in a certified technology park that is located within five miles of the Crane Military Base. Currently, a certified technology park comprising parts of Daviess County, Greene County, and Martin County adjacent to the Crane Military Base is a qualified military base enhancement area. The bill extends this status and the tax incentives to three counties containing portions of the Crane Military Base - Greene County, Lawrence County, and Martin County. However, to qualify for the tax incentives outside the certified technology park, a business must satisfy either criterion (1) or (3) described above. The enhancement area tax incentives are as follows:

- (1) A Sales Tax exemption for utility services purchased by a business that relocates or expands all or part of its operations to a facility located in a qualifying area. The services are exempt for the first five years the business operates in the facility.
- (2) A reduction from 8.5% to 5% in the Corporate Adjusted Gross Income Tax rate for a corporation that locates all or part of its operations (including expansions) to a qualifying area. The corporate rate reduction would apply only to income derived by the corporation from sources located in a qualifying area during the taxable year in which the corporation located to the qualifying area and the next four succeeding taxable years.
- (3) A nonrefundable AGI Tax credit for investment in a business that locates all or part of its operations (including expansions) to a qualifying area. Creditable investment includes both equity financing and debt financing. Credits are awarded for the cost of investment and for jobs created due to the investment. The percentage credits allowed vary depending upon the type of investment, the type of business, and the number of jobs created. The taxpayer may carry over any unused credit amount to subsequent taxable years. The taxpayer is not eligible to carry back any unused credit. For pass through entities, the credit may be claimed by shareholders, partners, or members in proportion to their distributive income from the pass through entity.

Other Provisions: The bill requires the Department of Environmental Management to give priority to certain permit applications concerning Camp Atterbury and the MUTC. The bill also grants civil immunity for noise pollution and telecommunications interference to Camp Atterbury and the MUTC. CCR, RC# 382, 50-0

SEA 55 – Public Safety deferred retirement plan (*For more information, see section on Pensions and Labor*).

SEA 75 – Military family relief fund:

Military Family Relief Fund: This bill establishes the Military Family Relief Fund to provide grants for essential family support expenses to the families of Indiana residents who: (1) are members of the Indiana National Guard or the armed forces reserves; and (2) have been called to active duty after September 11, 2001. The bill allows the Veterans' Affairs Commission to establish the eligibility criteria and application and selection procedures for the grants. It requires the Director of Veterans' Affairs to report to the Budget Committee before August 1, 2006, on the grant determination procedures to be used. It also permits the Director of Veterans' Affairs or a member of the Commission to make a request to the General Assembly for an appropriation to the Fund. The bill annually appropriates any money in the Fund that is not otherwise appropriated for the purposes of the Fund.

This bill creates the Military Family Relief Fund. The purpose of the Fund is to provide assistance with food, housing, utilities, medical services, basic transportation, and other essential family support expenses that have become difficult to afford for families of members of a reserve component of the armed forces or the National Guard and who were called to active duty after September 11, 2001. The Director of the Department of Veterans' Affairs is to administer the Fund, which consists of the following: (a) appropriations made by the General Assembly, (b) donations, (c) interest, (d) money transferred to the Fund from other funds, (e) annual supplemental fees collected from the Hoosier Veteran and Support Our Troops license plates, and (f) money from any other source. The bill annually appropriates any money in the Fund that is received from donations. The Department is required to expend money in the Fund exclusively to provide grants for assistance.

Hoosier Veteran License Plate: The bill also creates a Hoosier Veteran license plate and specifies that the plate is not a special group recognition license plate. It provides for the collection of a \$15 annual supplemental fee at the time a vehicle plated with a Hoosier Veteran license plate is registered, which is to be deposited in the Military Family Relief Fund. The bill also requires the Bureau of Motor Vehicles (BMV) to terminate the issuance of the Hoosier Veteran license plate formerly issued as a special group recognition license plate.

Support our Troops License Plate: It also creates a Support Our Troops license plate and specifies that the plate is not a special recognition license plate. The bill provides for the collection of a \$20 annual supplemental fee at the time a vehicle plated with a Support Our Troops license plate is registered, which is to be deposited in the Military Family Relief Fund.

The bill also provides that the amount appropriated in the budget bill for statutory fee remission in FY 2007 may be used for dependents of veterans with disabilities not greater than zero percentage. CCR, RC# 387, 50-0

SEA 206 – Public safety disability pensions (*For more information, see section on Pensions and Labor*).

SEA 247 – Various homeland security matters: This bill adds the Department of Homeland Security's building law compliance officer to the certification board that administers the provisions concerning qualifications for state public works projects. The bill establishes the Indiana Intelligence Fusion Center to collect, maintain, and analyze intelligence information and other information relating to criminal activity or terrorism. The bill designates the Counterterrorism and Security Council (CTASC) and the Fusion Center as criminal justice agencies. The bill allows CTASC to hold executive sessions and exempts certain records of CTASC and Fusion Center from the open records law.

The bill combines five funds managed by the Department of Homeland Security (DHS) into the Homeland Security Fund, and provides that money in the fund reverts to the Fire and Building Services Fund if the Homeland Security Foundation is terminated.

The bill permits the Department of Correction (DOC) to read mail to and from offenders unless the mail is privileged, and prohibits the DOC from disclosing the contents of this mail unless certain conditions are met. It makes conforming amendments and technical corrections. The bill modifies the membership of the Board of Firefighting Personnel Standards and Education. It allows a volunteer fire department to declare its personnel records confidential. The bill repeals the specific rulemaking procedures of the Fire Prevention and Building Safety Commission.

Homeland Security Foundation and Fund. The bill replaces the Indiana Emergency Management, Fire and Building Services, and Public Safety Training Foundation with the Homeland Security Foundation. This provision will have no significant impact. It is possible the DHS will experience additional administrative expenses associated with changing the name of the foundation. Signage, stationery, and other office supplies with the foundation's name may need to be purchased. The foundation is a public body corporate and politic. The foundation must administer the Indiana Homeland Security Fund.

CTASC. The bill requires that the director of the Department of Agriculture must serve on the council as opposed to the assistant commissioner. The bill also adds the director of the Department of Natural Resources (DNR) or, if designated by the director, the deputy director who manages the Bureau of Law Enforcement and Administration. The bill also adds the State Veterinarian. The bill allows CTASC to hold executive sessions and exempts certain records of CTASC and the Fusion Center from the open records law.

Indiana Intelligence Fusion Center. The bill establishes the Center to collect, integrate, evaluate, analyze, disseminate, and maintain intelligence information. The DHS must operate the Center. The DHS must cooperate with the State Police Department; local, state, or federal government agencies; and private organizations. The Center may collect criminal intelligence information

only if reasonable suspicion exists that the subject of the criminal intelligence information is involved with or has knowledge of possible criminal or terrorist activity and the criminal intelligence information is relevant to the criminal or terrorist activity.

DOC Examination of Correspondence. The bill provides that the DOC may read and examine correspondence sent to or from a confined person unless it is clearly marked as correspondence that is privileged under state or federal law. The DOC may need to adopt procedures to inspect correspondence.

Emergency Medical Services Certification. The bill provides that the Emergency Medical Services Commission may impose a reasonable fee for the issuance of a certification. Currently, the Commission can not charge a fee except for the certification of emergency medical dispatchers. Under the proposal, the Commission must deposit certification fees in the newly established Emergency Medical Services Fund. The fund can be used to finance the DHS and the Commission.

Firefighting Certification. The bill provides that the Board of Firefighting Personnel Standards and Education may impose a reasonable fee for the issuance of certificates related to firefighting standards and education. Fees collected must be deposited in the Fire and Building Services Fund. The DHS administers the fund. The Treasurer of State must invest money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Money in the fund at the end of a fiscal year does not revert to the state General Fund. Expenses of administering the funds are to be paid from money in the funds.

Merger of Funds. After June 30, 2006, the Emergency Management Fund, the Fire Services Fund, the Building Services Fund, the Emergency Medical Services Fund, and the Stewardship Fund are abolished. All money contained in the funds is transferred to the Indiana Homeland Security Fund (IHSF). The fund is established to fund projects of the DHS. Concurrence, RC# 344, 47-1

SEA 283 – Emergency telephone notification system: The bill authorizes a county or municipality to establish an emergency telephone notification system to warn service users of emergencies. The bill grants civil immunity to a service supplier or telephone company in conjunction with operating an emergency telephone notification system. This bill allows a local unit to use money from its emergency telephone system fund to establish an emergency telephone notification system. Concurrence, RC# 328, 49-0

SEA 284 – Statewide trauma system: The bill establishes the State Department of Health as the lead agency for the development, implementation, and oversight of a statewide comprehensive trauma system. The bill allows the department to adopt rules concerning the development of a trauma registry and standards for trauma care-level designations for hospitals. Concurrence, RC# 360, 50-0

Tax & Finance

HEA 1001 started as a way to move the Child and Family Welfare funds from the county tax rolls to the state in order to reduce property taxes and in its final form increased the standard deductions and Homestead credits for homeowners.

The House passed version of HEA 1001 included language that would eliminate the property tax altogether after 2008, eliminate township assessors, eliminate the dog tax, limited the child welfare levy so that any growth would have to be paid for by the state and implemented a child welfare tax credit for homeowners for 2006, and the 2% cap for excessive property taxes. All of these provisions other than the dog tax elimination and the credit for excessive property taxes were removed in the Senate passed version of the bill.

The Tax and Fiscal Policy Committee stripped the bill of all of its original language and replaced it with language calling for an increase in income taxes to offset the increase in property taxes. Also included in the bill was language eliminating the dog tax, increasing the standard deduction to a number based on growth in AV, a credit for excessive property taxes, single sales factor business income tax apportionment and several other pieces of language dealing with tax abatements, exemptions, and procedural requirements.

The final conference committee report looked much more like the Senate version than the House version. It included the following provisions.

- Increases the standard deduction to \$45,000 for 2007 after 2007 the standard deduction returns to \$35,000.
- Increases the Homestead credit to 28% in 2006. This will cost approximately \$100 million according to House Republicans. After 2006 the credit returns to 20%.
- Requires county auditors to mail proposed budgets, tax rates and levies to each taxpayer.
- For Pay 2008 taxes, requires the DLGF to send out detailed and uniform property tax statements to all taxpayers.
- 2% AV cap for all property.
 - Extends the deadline for Lake County to adopt an ordinance for the existing optional cap for Pay 2006 taxes.
 - Retains existing law for 2006 and 2007 – allows any county to adopt an ordinance for homesteads only or all residential property.
 - Makes the cap mandatory for Lake County for Pay 2007 taxes with local discretion of whether to apply it to just homesteads or all residential property.
 - For Pay 2008 makes the cap mandatory for all counties and all residential property.
 - For Pay 2010 makes the cap mandatory for all counties and all types of real and personal property.
- Strengthens the Petition /Remonstrance process as follows:

- Provides a political subdivision may not compel an employee to either support or oppose a position on a petition or remonstrance.
- Provides a person or organization that has a contract or arrangement with a school corporation for any of the school's facilities may not spend money to promote a position.
- Provides a person providing professional services on behalf of a controlled project may not spend money to promote a position.
- Provides guidance on determining the validity of signatures and addresses with respect to documents required for the petition and remonstrance process.
- The Utility Services Use Tax is created.
 - The tax is imposed on the consumption of utility services billed after June 30, 2006, and applies to those companies that the current utility receipts tax does not.
- Makes some changes for the Department of Revenue including:
 - Stating that the use tax is imposed on a person who manufactures, fabricates, or assembles tangible personal property from materials either inside or outside Indiana.
 - Clarifies that when property is shipped to an Indiana purchaser it is treated as an Indiana sale.
 - Limits the assignment of a sales tax credit for bad debt to only affiliates of the original retailer.
 - Requires taxpayers to give Department of Revenue 30 days notice when switching return filing status to a combined tax return or vice versa.
- Provides a sales tax exemption for energy purchased by those on a low income energy assistance program for one year.
- Passive Investment Company (PIC) add back for the corporation's intangible expenses or interest directly related to intangible expenses.
- Increases the sales factor for apportioning business income over five years. The other factors are phased out and business will be taxed solely on income derived in Indiana.
- Jasper County additional CAGIT of .25% for operating and maintaining jail facilities.
- Scott County additional COIT of .25% for operating and maintaining jail facilities.
- Expands the use of existing .25% supplemental CEDIT to offset property tax shift from inventory exemption to cover all residential property, not just homesteads, at county's discretion.
- Extends the deadline for adopting an additional .25% CEDIT to provide a homestead credit to offset the tax shift from the reduction of inventory until June 1, 2006.
- Repeals the dog tax and replaces it with a county option dog tax.
 - Tax is \$5 per dog.

- Revenue is split 20% to Purdue University School of Veterinary Science and Medicine
- 80% kept by the counties to:
 - help animal care facilities
 - animal control, including dead animal disposal
 - reimbursement to farmers for animal kills
 - reimbursement for people who have gotten rabies
- Allows for the adjustment of the school general fund tax levy for trending by altering the school funding formula. This should not change school's overall dollars, but may change the mix of state and property tax funding in some districts.
- Distributes an additional \$48.2 million in tuition support to correct deficiencies.
- Increases the calendar year cap for tuition support by \$20,100,000 to correct an error made by the Department of Education.
- Requires the OMB to study the possibility of a post-retirement health insurance benefit plan and report to the Budget Committee before November 1, 2006.

Action: Senate adopted Conference Committee Report: Roll Call # 405: 49-1.

HEA 1124 deals with loans from the Rainy Day Fund to political subdivisions. The act authorizes a loan to a taxing unit whose property taxes were affected by the bankruptcy of a taxpayer that manufactures microelectronics as part of their business. The act also requires the State Board of Finance that to determine the terms of the loan subject to certain restrictions. The act specifies the uses of the loan proceeds and the manner of repayment. The loan is limited to \$13,000,000. Action: Passed 3rd Reading: Roll Call # 213: 49-1.

HEA 1327 prohibits the assignment of sales tax remittance deductions to nonaffiliated companies. The act provides that for taxable years beginning after December 31, 2005, references in Indiana law to the Internal Revenue Code and related regulations refer to the law and regulations in effect on January 1, 2006. Specifies that the category of children for which an additional \$1,500 state deduction may be claimed is to be determined using an Internal Revenue Service definition in effect on January 1, 2004. Extends to June 30, 2011 the time during which Jackson County may impose an additional CAGIT of .1% for the operation of a jail and juvenile detention center. Permits an additional COIT for Scott County to construct and maintain criminal justice facilities. The act also changes the termination date for the Nashville Food and Beverage tax from January 1, 2007, to January 1, 2012. The act also extends the deadline for initiating projects under the Martinsville food and beverage tax from December 31, 2010 to December 31, 2015. Finally, the act allows a school corporation to petition the DLGF requesting approval to incur bond indebtedness to implement solutions to contractual retirement or severance liability. Action: Passed Conference Committee Report: Roll Call # 409: 50-0.

SEA 106 deals with cargo trailers and Recreational Vehicles (RVs). The act provides that a cargo trailer or RV is exempt from Indiana sales tax if it is purchased in Indiana and is registered

in a state or country that provides a sales tax exemption for cargo trailers or RVs purchased by Indiana residents for registration in Indiana. Conversely, the act provides that a cargo trailer or RV is subject to Indiana sales tax if it is purchased by a nonresident and then registered in a state or country that does not provide a sales tax exemption for cargo trailers or RVs purchased by Indiana residents for registration in Indiana. The act also deletes a section of Indiana Code that required a nonresident purchaser to provide, and for the seller to keep on file, a copy of the purchaser's registration or title from outside Indiana. The nonresident purchaser must supply an affidavit and the act specifies that it must follow a certain form and include a statement that says the information contained in the affidavit is true under penalty of perjury. Action: Passed Conference Committee Report: Roll Call # 358: 50-0.

SEA 148 provides that County Adjusted Gross Income Tax Revenue (CAGIT) revenue in Elkhart and Marshall Counties can be used to operate and maintain jail facilities, juvenile court, detention, and probation facilities, other criminal justice facilities, and related buildings and parking facilities (in addition to its current uses under existing law). The act also provides that Marshall County may not impose an additional CAGIT rate for jail maintenance and operations after the bonds issued to construct the jail are paid off. Action: Passed Conference Committee Report: Roll Call # 411: 50-0.

SEA 258 makes several changes in the sales tax law to conform to the streamlined sales tax changes. The first change is that "bundled transactions" and "bulk mail" are both defined for purposes of taxing a single transaction or multiple units in a single transaction. Tobacco is excluded from the definition of "food or food ingredient" for the purposes of taxation. SEA 258 also provides that a person is a retail merchant making a transaction when the person sells tangible personal property as a part of a bundled transaction. The act exempts a person from filing a monthly sales tax return whenever the person voluntarily registers as a seller under the streamlined sales tax agreement, is not a model 1, 2, or 3 seller, and has a collection tax liability of less than \$1,000 for the preceding calendar year. Finally, SEA 258 provides that whenever a florist takes a floral order and transmits the order to another florist for delivery, the transaction is sourced to the location where the florist originally took the order. Action: Passed Conference Committee Report: Roll Call # 394: 49-0-1.

SEA 259 provides immunity from personal liability to the members, executive director, officers, and employees of the Indiana Stadium and Convention Building (ISCB) authority for acts authorized by the ICSB's enabling statute. The act also specifies the conditions under which the ICSB may negotiate with a single bidder. The act permits the ICSB to waive payment bond and performance bond requirements for capital improvement projects under certain conditions and if an adequate alternative is provided. The act provides for the termination in the year that immediately follows the year that the last bond payment is made of the annual capture of \$11,000,000 in state revenue for use to pay obligations owed by the Marion County Capital Improvement Board to the ICSB or a state agency. Action: Passed Conference Committee Report: Roll Call # 395: 50-0.

SEA 260 started out the session as a various property tax bill and ended up becoming an omnibus taxation bill for anything not directly related to the "bigger" issues contained in HEA 1001. Among these smaller issues were several important exemptions and deductions for local

units, housing redevelopment language for counties other than Marion County, and levy banking allowances. The following is a bullet point summary of the provisions included in the act:

- Levy banking is allowed beginning with Pay 2006 levies,
 - Restores the ability for taxing units to retain unused levy capacity for use in subsequent years.
 - Limits recapture of unused levy capacity to no more than 50% of “banked” amount in any one year.
- Allows County Auditors reduce certified AV by up to 2% to account for potential collection shortfalls due to successful appeals (with the ability to petition DLGF for a larger AV reduction, if justifiable).
- Allows all political subdivisions (including school corporations) to receive payment of property taxes due in a previous year without counting these receipts toward their 100% of budget levy collection limit.
- Lowers eligibility threshold for the levy appeal for fast growth to 3 year average AV growth of more than 2% above of statewide average (current threshold is +3%).
- Allows a County Hospital to request the creation of a separate tax levy for emergency medical services (EMS) expenses.
 - If created, the new levy is within the existing overall county maximum levy.
- Allows special fire districts with rapid AV growth to seek a maximum levy increase from DLGF.
- Raises maximum levy for Jasper Co. and Dubois Co. libraries.
- Allows this township in Elkhart Co. to seek a maximum levy increase from DLGF to cover costs of emergency medical services.
- Extends the property tax deduction deadline to June 10 (from May 10) for an individual to file for various homeowner deductions including the homestead deduction/credit, mortgage deduction, blind/disabled deduction, etc.
- Requires that information on property tax deductions available to homeowners be disclosed: a) by closing agents in transactions involving mortgages on single family dwellings; and b) in the instructions for completing sales disclosure forms.
- Changes the requirements that a public utility which appeals the assessment of its distributable property must have formal hearings before both the DLGF and the Indiana Board of Tax Review (IBTR).
 - Limits the DLGF role to just a review.

- Clarifies that taxpayers must pursue all administrative remedies before they may be certified as a class for purposes of a class action suit against the DLGF (same as existing requirement for class action suits against the Indiana Board of Tax Review).
- Requires DLGF to notify taxpayer(s) that had appealed for a change to a taxing unit's proposed budget when it makes a final determination.
 - Allows taxpayer(s) to seek a judicial review if DLGF fails to act in a timely manner.
- Specifies that any document or payment postmarked by the deadline is considered to have been submitted on time.
- Provides that a taxpayer can request a judicial review if the IBTR does not issue a timely decision in the review of an appeal.
- Clarifies that errors found in favor of taxpayers must be treated as offsets to errors found against the taxpayer in a personal property tax audit.
- Change responsibility for notification of taxing units affected by a successful property tax appeal affecting at least 1% of the unit's AV.
 - Requires County Auditors to make these notifications, rather than the IBTR, DLGF, or Property Tax Board of Appeals (PTBOA) (whichever entity made the decision).
- If the County Auditor amends the certified AV, they must: a) notify the DLGF and each political subdivision; and b) give notice and allow for a public hearing.
 - However, the public hearing requirement is waived if the AV change is to correct a mathematical error or increase the assessed value to include previously omitted property.
- Allows proceedings and orders of the DLGF to be attested to by a designee of the DLGF Commissioner.
- Eliminates requirement that cost tables and depreciation schedules be included in the DLGF assessment rules and manual.
- Allows taxing units within a county that jointly contract for personal property tax audits to pool taxes recovered via the audit to pay for the cost of the audit.
- Extends the IBTR's existing subpoena power with respect to appeals of DLGF decisions to cases where it is reviewing appeals of decisions by local assessing officials or PTBOAs.
- Authorizes local officials to allow property tax abatements be granted, as intended, even if taxpayer missed a filing deadline or made an error on the form.

- Prohibits transfers from the county reassessment fund to any other fund.
- Clarifies that only DLGF may assess or reassess industrial property in Lake Co.
- Allows County Auditors, County Assessors, or County Auditors to hire private legal counsel with prior approval by the State Attorney General.
- Authorizes the creation of housing redevelopment programs in blighted area and the use of tax increment financing (TIF) to fund improvements in these residential areas (currently only Indianapolis may do this).
- Allows property tax abatement of up to 2 years for redevelopment of commercial or industrial buildings that have been vacant at least one (1) year.
- Modifies existing law to allow property tax abatement for used equipment when being installed as part of a new or expanded facility.
- Specifies when an undeveloped lot or tract held for sale in the ordinary course of trade must be reassessed as the earlier of: a) issuance of a building permit; or b) the start of construction; or c) when land is transferred to a non-developer.
 - Applies beginning 2006 Pay 2007.
- Clarifies that the full value of a property tax abatement may be claimed even when taxpayer is otherwise subject to the 30% depreciation floor.
- Adds language inadvertently omitted from SEA1-2005 which excludes certain types of business (i.e. golf courses, massage parlors, etc.) from eligibility for the automatic property tax deduction on personal property.
 - Exclusions listed in SEA1-2005 were accidentally applied only to real estate.
- Authorizes DLGF to adjust base AV for TIF districts to reflect effects of annual trending valuation updates.
 - Similar to current DLGF authority to adjust TIF district base AV for a general reassessment
- Authorizes DLGF to adjust the rate cap on the each school corporation's Capital Projects Fund to reflect the effects of annual trending valuation updates.
- Clarifies that certain types of businesses are not eligible for the capital investment property tax deduction (i.e. massage parlors; tanning salons; liquor stores; etc.). Provision inadvertently omitted from SEA1-2005 which created this deduction.
 - Authorizes DLFG to adopt temporary/emergency rules for implementation of this deduction for Pay 2007 while they simultaneously proceed with normal rule-making process.

- Allows Aqua Indiana to claim a credit against pay 2007 property taxes for errors made on its 2005 annual filing (Form 45). Company filed an amended 2005 return, but submitted it after the filing deadline.
- Allows a personal property tax return to be filed up to 30 days late without triggering the waiving of any exemptions.
 - Any other late filing penalties are NOT waived.
 - Effective retroactively beginning with 2005 Pay 2006 taxes.
- Retroactive validation of Atlas Foundry 2001 Pay 2002 local property tax abatement.
 - No refund required because company had been taxed assuming the abatement was valid.
- Retroactive validation of property tax exemption for Madame Walker Theater for 2003 Pay 2004.
 - Refund will be required because property taxes were paid in 2004.
- Inserts the Military Base Reuse Authority into the approval process for the investment deduction if granted in an enterprise zone located on a former military site.
- Retroactive validation of property tax exemption for Zionsville Youth Soccer for Pay 2000 through Pay 2004 taxes.
 - Refund will be required because property taxes were paid.
- Retroactive validation of property tax exemption for a Butler University Fraternity for Pay 2001 taxes.
 - Refund will be required because property taxes were paid.
- Retroactive validation of sales tax exemption for Hartford City Little League for Pay 2002 through 2004.
 - Refund will be required because sales taxes were paid.

Action: Passed Conference Committee Report: # 407: 50-0.

SEA 345 reverses part of the payment delays made to local governments and universities. This is done by appropriating \$376.5 million from the General Fund to reverse these delays in fiscal year 2007. The amount that counties receive is \$136.5 million, and they will have an outstanding balance of about \$213 million. The universities will receive \$40 million in all to go towards the universities' deferred repair and rehabilitation problem. The universities will still be owed approximately \$72.8 million after the act. Action: Passed Conference Committee Report: Roll Call # 408: 50-0.

SEA 355 deals with property tax levy appeals and delinquent property taxes. The act allows a civil taxing unit (including schools) to file a property tax levy appeal to offset a levy shortfall in the preceding year before March 1st of the year the tax is due. For property taxes in Pay 2006, the date is April 1st. If the appeal is filed, the county treasurer can either send tax statements on time

and then send reconciling statements, or delay the statements up to 60 days pending the resolution of the appeal. The act also allows the county council to petition the DLGF to establish an installment plan for property tax payments (this would remove the county treasurer and county auditor from the process). The penalty for late payment of property taxes is reduced from 10% to 5% if the installment is completely paid on or before 30 days after the initial installment date, and the taxpayer is not also liable for delinquent property taxes on the same parcel in a previous year. The act permits an additional deduction against adjusted gross income for the payment of delayed property taxes in Pay 2005. Finally, the act provides for a waiver of the late payment penalty by the county treasurer of a property taxpayer if the taxpayer or an immediate family member of the taxpayer died in the week preceding the installment due date. Action: Passed Conference Committee Report: Roll Call # 363: 50-0.

SEA 359 deals with procurement and state public works projects. The act provides that advance payment may be made for equipment or software acquired by a state agency with the prior approval of the Budget Agency. The act allows discretion to determine when retainage should be placed in an escrow account for a state public works contract. Certain bid, performance, and payment bond and retainage requirements do not apply to railroad projects of a commuter transportation district. The act also requires contractors and subcontractors on public works projects to implement drug testing programs. The act further establishes a negotiated bidding process for procurement of supplies by the executive branch under which the purchasing agency may conduct discussions with bidders before awarding a contract under an invitation for bids to obtain a best and final offer. The act requires a purchasing agency to maintain a bid register documenting the purchasing agency's negotiations with bidders. The act also eliminates the requirement for a procurement officer in the executive branch to make a written determination as a condition to award a contract using an RFP. An executive branch agency is permitted to use information obtained from an offeror's proposal in discussion with other offerors under certain circumstances. Small business preference cannot be given to a logistics, life sciences, information technology, or transportation business that employs more than 100 people nor has annual sales of more than \$5,000,000. Action: Conference Committee Report: Roll Call # 397: 49-0-1.

SEA 362 deals with the collection of delinquent taxes. First, the act provides for a biennial review of a retail merchant's certificate. The Department of Revenue (DOR) must renew, at no additional charge, the registered retail merchant's certificate of a merchant who is current on filing and remittance obligations. The DOR is prohibited from renewing the certificate of a retail merchant who is delinquent in remitting sales or use tax. The DOR shall notify a merchant who is delinquent at least 60 days before their certificates are due to expire. A sheriff may keep a tax warrant and continue collections sheriff may keep a tax warrant and continue collections after a period of 120 days only after the department determines that the sheriff is collecting the warrant on a payment schedule that will satisfy the judgment within one year; and (2) the sheriff's electronic data base regarding tax warrants is compatible with the department's data base. The act also provides that if an owner of unclaimed property is subject to an outstanding tax warrant, the department may levy against the unclaimed property. A taxpayer who receives a proposed assessment must file a protest within 45 days after the date the notice is mailed. (Current law allows 60 days.) A taxpayer must appeal a letter of finding to the tax court within 60 days after the date on which the letter of finding is mailed, if the taxpayer does not request a rehearing on

the letter of finding within 30 days; the DOR issues a denial of the taxpayer's timely request for a rehearing on the letter of finding. (Current law allows 180 days after the letter of finding is mailed.) Interest on an excess tax payment that DOR does not refund or credit against a current or future tax liability within 90 days after the refund claim is filed; the date the tax payment was due; or the date the tax was paid; whichever is later, accrues interest from the date on which the refund claim is filed. (Current law provides that interest accrues from the later of the date on which the tax payment was due or the tax payment was paid.) Action: Concurrence: Roll Call # 348: 46-0-2-2.

Transportation

HEA 1008 – Major Moves is the governor's legislation that allows for the long term lease of the Indiana Toll Road. The legislation also gives authority for the state to enter into future public-private agreements in Indiana. The \$3.8 billion payment from Maquarie Cintra, the Australian-Spanish partnership that will operate our toll road for the next 75 years, has certain provisions for how the proceeds should be disbursed.

Provisions of the legislation include:

Creation of a Local Major Moves Construction Fund:

The money that LaPorte, Steuben, LaGrange, Elkhart, St. Joseph, Porter and Lake Counties is to receive is to be distributed to counties, cities, and towns in the same distribution manner as the Motor Vehicle Highway Fund. See below for the entire breakdown for these counties.

Creates the Major Moves Construction Fund

Appropriates money from the fund in the following manner:

- \$150 million to the Motor Vehicle Highway Fund to be distributed \$75 million each year for two years to all 92 counties.
- \$40 million to the Northwest Indiana Regional Development Authority (RDA). \$20 million of this money must go to the Gary International Airport.
- \$10 million each year for eight years starting in FY 2007 for the Northwest Indiana RDA
- \$40 million each to LaPorte, Steuben, LaGrange, Elkhart and St. Joseph counties.
 - If LaPorte County joins an RDA it would get \$25 million. It also allows the county to increase the County Economic Development Income Tax (CEDIT) and use the first \$3.5 million from the increased CEDIT to contribute to the RDA. LaPorte County would pay \$2,625,000 per year for the RDA and Michigan City would pay \$875,000 per year. The RDA board will be expanded by two members, one appointed by the governor and one chosen by the county executive and the county fiscal body. The member chosen by the governor is nominated by the mayor of the largest city, and then once that term is up, the mayor of the second largest city nominates someone.
- \$25 million to Porter County
- \$15 million to Lake County
- \$179 million for construction projects to be used for the first year of the Major Moves program.

- Creates the Next Generation Trust Fund with \$500 million initial contribution. Interest is allowed to be spent, and transferred to the Major Moves Construction Fund once every five years.

I-69

I-69 cannot go through Perry Township in Indianapolis, and it cannot be a toll road from Indianapolis to Martinsville, without General Assembly approval.

Indiana Finance Authority

The legislation allows the Indiana Finance Authority (IFA) to enter into Public Private Agreements. In order for the IFA to enter into these agreements they must do the following:

- Must employ a Request for Proposal process to determine the operator.
- Must publish notice of a public hearing one time at least seven days in advance.
- The selected offer must be made available at least seven days in advance of the hearing.
- The Budget Committee then reviews the offer and the Governor chooses to approve or reject the offer.
- There is no ability to contest the validity of the offeror after the 15th day following the notice of the publication of the designation of an offeror.
- The terms of the RFP are disclosed if the process results in no suitable applicants or the agreement has been executed.

The IFA is granted emergency rulemaking to establish user fees and make other changes necessary to accommodate a public private partnership. The IFA must also pay off all existing bonds associated with the toll road from the proceeds of the transaction and it is forbidden from bonding, conveying or mortgaging a toll road project without General Assembly approval.

Future Public-Private agreements

The Indiana Department of Transportation (INDOT) is permitted to enter into public private agreements to develop, finance, and/or operate one or more projects throughout the state. The public-private agreements may, but is not required to include the following:

- Review and approval of the operator's plans for operation
- Performance or security bonds
- Review of plans by INDOT
- Inspection of any construction or improvements by INDOT
- Maintenance of public liability insurance or self-insurance
- Monitoring of the maintenance obligations
- Reimbursement to INDOT for any services they provide
- Filing of appropriate financial reports
- Filing of traffic reports
- Assignment of responsibilities by the operator

The Requests for Proposal process for future agreements is the same as the process for the Indiana Toll Road lease except the Indiana Department of Transportation (INDOT) has the option of also issuing a Request for Qualifications (RFQ) process, which helps select those qualified for such a project. Once the RFQ process is completed INDOT must proceed with the RFP based on the shortlist derived from the successful RFQ candidates.

- The Department can pay an unsuccessful bidder for any ideas it likes in their proposal.
- A public-private agreement cannot exceed 75 years.
- Reversion of the project to the Department at termination of the agreement
- Any revenue from future agreements goes to the Major Moves Construction Fund, the State Highway Fund, or to the Finance Authority for debt repayment.
- Taxed the same way as the Indiana Toll Road is taxed.
- May use electronic tolling and/or video and/or GPS surveillance to collect tolls.
- Allows for special lanes on the toll road such as dedicated lanes for those who pay higher tolls, HOV lanes, truck lanes, etc.
- The offeror may issue debt, but it is not backed by the credit of the state.

Other provisions

- 34 % of the funding from the lease proceeds must be used in the Toll Road counties. Calculated by:
 - Adding the amounts distributed to counties from the direct appropriations and from the amounts distributed through the Motor Vehicle Highway Fund.
 - RDA money
 - The cost of projects funded through Major Moves
 - The amount that the written agreement provides towards relief of drivers on the toll road
- Allows state employees who lose their jobs due to privatization to get two years worth of retirement credit if they are within two years of retiring when the privatization occurs.
- Provide \$2 million annually until 2012 in training funds from the Special Employment and Training Services Fund in the Indiana Department of Workforce Development.
- Requires a US flag be displayed at the main administrative building of the toll road.
- The operator is not required to comply with the common construction wage, state purchasing rules, or state public works laws.
- Prohibits political contributions from the operator or a person who has more than one percent interest in the operator for the term of the agreement plus three years following the term.
- Law enforcement officers have full access to the leased land, and can patrol the roads.
- The operator may be subject to certain requirements to buy from Indiana businesses.
- Legalizes any possible illegal or wrong activities that the administration may have done while creating the agreement.

Proposed Senate Democrat floor amendments to HEA 1008:

Amendment 5, Craycraft

Precludes the purchase of rock salt purchased out of state. (Failed, voice vote)

Amendment 8, Tallian

Removes the marriage penalty from income tax credit for tolls paid. (Failed, RC 262, 16-33)

Amendment 10, Hume

Removes the absolution language, which would legalize any possible illegal or wrong activities that the administration may have done while creating the agreement. (Passed, voice vote) This provision was later put back in during conference committee.

Amendment 11, Young

Requires a semi-annual report of all employees terminated as a result of public-private agreements. (Failed, RC 264, 16-33)

Amendment 12, Bowser

Provides that a person who is terminated as a result of a public-private agreement may elect to either receive one year's pay or two years of service credit for those within two years of retirement. (Failed, RC 266, 15-33)

Amendment 16, Broden

Requires the operator to maintain the toll road at the level of service recommended by the American Association of State Highway and Transportation Officials and not the lower levels now contained in the contract. (Failed, RC 260, 16-33)

Amendment 17, Mrvan

Requires the operator and its subcontractors to comply with the state's public works and purchasing laws. (Failed, RC 267, 16-33)

Amendment 18, Rogers

Distributes \$100 million over 10 years from the Major Moves Construction Fund to the Northwest Indiana RDA. (Failed, RC 261, 18-31)

Amendment 22, Rogers

Grants priority for reemployment with the state to those state employees are terminated as a result of a public-private agreement. (Failed, RC 263, 16-33)

Amendment 28, Lanane

Provides \$1 million from the Major Moves Construction Fund for job training through the Indiana Plan and \$5.3 million for job training through the building trades grant program. (Failed, RC 265, 16-33)

Amendment 30, Lanane

Precludes assignment, subcontracting or other delegation of authority by the operator or the authority without legislative approval. (Failed, RC 259 16-33)

Amendment 32, Tallian

Provides that a condemnor may not exercise the power of eminent domain to acquire property with respect to a toll road project from a private entity with the intent to transfer the property to another private entity. (Failed, RC 257, 16-33)

Amendment 33, Lanane

Redefines an “Indiana” business as a business that has its principal place of business in Indiana, pays a majority of its payroll to Indiana residents or employs Indiana residents as a majority of its employees. (Failed, RC 258, 18-31)

Amendment 36, Simpson

Authorizes the Indiana Finance Authority to issue additional toll road revenue bonds in the amount of \$1.5 billion to fund the Indiana Department of Transportation’s long-range transportation plan. Precludes entering into public-private agreements or issuing requests for proposal regarding the toll road before Jan. 1, 2008. (Failed, RC 256, 16-33)

SEA 133 requires a permit issued by the Indiana Department of Transportation for transporting an oversized tractor-semitrailer to authorize the operation of the tractor-semitrailer from one half hour before sunrise to one half hour after. (3rd reading, RC 43, 47-0)

SEA 154 designates part of State Road 39 as an extra heavy duty highway. (3rd reading, RC 39, 47-0)

SEA 264 changes the criteria for an automobile dealer to obtain a license for an offsite sale. (Concurrence, RC 327, 49-0)

SEA 303 requires all license branches that provide state identification cards to be open the day before and on Election Day in order to issue driver’s licenses and state identification required to vote. A license branch would not required to be open if there are no precincts in the county in which an election is held on Election Day. The legislation has several other motor vehicle matters including the requirement that the relative or guardian accompanying a driver less than 18 years of age who holds a learner's permit to be at least 21 years of age. It also provides that the prohibition against Sunday sales of motor vehicles does not apply to an auctioneer who has been issued a special event permit by the Indiana Bureau of Motor Vehicles and sets a fee for issuance of the permit. (CCR 1, RC 402, 50-0)

SEA 305 requires all school and special-purpose buses to stop within 50 feet of any railroad crossings. The bill also requires that all emergency escape exits, doors, windows, roof and service doors on school and special purpose buses must be free from any obstructions that block an exit. It also states that special purpose bus may not be operated at a speed greater than 55 miles per hour. (CCR 1, RC 361, 50-0)

Bureau of Motor Vehicles

HEA 1013 creates an ‘In God We Trust’ license plate and specifies that it is not a special group recognition plate. The legislation also stipulates that the Indiana Bureau of Motor Vehicles (BMV) may not charge a special fee for the ‘Purple Heart’ license plate if the owner of the vehicle received the military decoration. (3rd Rdg. RC# 205 49-1)

HEA 1103 provides that if the expiration of a driver's license falls on Sunday, a legal holiday, or a weekday when all license branches are closed, that license does not expire until midnight of the

first day that a license branch is open. This would apply to driver's licenses issued after 2006. The bill also defines a dealer for purposes of watercraft sales as a person who sells at least six boats or trailers designed and used exclusively for the transportation of watercraft and sold in general association with the sale of watercraft a year. (3rd reading, RC 185, 50-0)

HEA 1150, after December 31, 2007, authorizes a person registering an antique motor vehicle to display an authentic license plate from the vehicle's model year on the antique motor vehicle. Removes the specification of the colors used for the antique motor vehicle plate from the statute. Law would go into effect after. (3rd Rdg. RC# 214, 50-0)

HEA 1286 requires the BMV to adopt rules to establish standards for persons administering operational skills tests and the provisions of the operational skills tests and determine a charge to cover the direct costs of administering the operational skills tests. It also repeals the definition of "certified motorcycle operational examiner." (3rd reading, RC 220, 50-0)

HEA 1300 expands the definition of "Indiana resident" for purposes of the commercial driver's license (CDL) law to include an individual who temporarily resides in Indiana to be able to attend a truck driver training school. Under the law, the BMV is allowed to issue a temporary CDL permit to those who are residing in Indiana during their training period which will be valid for 90 days. (3rd Rdg. RC# 222, 50-0)

SEA 235 authorizes a special group recognition license plate to be displayed on a motorcycle. Special groups that participate in the program may request that the Indiana Bureau of Motor Vehicles collect a \$25 annual fee on behalf of the group. The fee then is deposited by the BMV in a trust fund for the group and on June 30 of each year, the commissioner of the BMV distributes the money from the fund to the group. (3rd reading, RC# 122, 50-0)

SEA 236 requires the BMV to adopt rules concerning classroom training by a commercial driver training school outside the county in which the school is located. (3rd reading, RC 123, 50-0)

SEA 269 requires the BMV to issue personalized license plates annually. The legislation also requires the BMV to contact the holders of the license plates before October 1 as a reminder that reservations for a personalized license plate must be completed before October 31 of the year in order for the driver to be issued the same personalized license plate. Also provides that when the money in the Indiana Arts Commission Trust Fund reaches \$1 million, the interest and dividend earnings of the fund are appropriated annually to the commission. (Concurrence, RC 345, 48-0)

Utilities

SEA 22 – Pipeline safety: This bill provides that the pipeline safety laws apply to hazardous liquids and carbon dioxide fluid. It increases the maximum civil penalties civil penalties that may be imposed under the pipeline safety laws. The Pipeline Safety Division must review accidents involving personal injury that are in excess of \$50,000. The current threshold is \$3,000. Provides that certain information concerning pipelines is confidential for purposes of the law concerning access to public records. It expands the types of fluids transported over a pipeline

that are subject to pipeline safety laws. The bill also increases the maximum civil penalties from \$10,000 to \$25,000 for a person who violates the pipeline safety law. Civil penalties are deposited in the state General Fund.

Fiscal Impact: The review of personal injury provision will reduce the workload and expenses of the division by an indeterminable amount. Expanding the types of fluids that are covered and increasing the fine could result in more revenue deposited in the state General Fun. The impact is indeterminable. Only one penalty of \$5,000 has been assessed during the past five years.

Senate concurred with House amendments on 3/08/2006 by a vote of 48 to 0 (Simpson and R. Young excused) (Roll Call #335)

SEA 69 – Governance of rural telephone cooperatives: Specifies that, in an election for a director of a rural telephone cooperative corporation, the corporation's bylaws may provide that if more than two persons run for election as a director from the same district, the person receiving the most votes is elected, regardless of whether the person receives a majority of the total votes cast by those members present and voting at the meeting at which the election occurs. No Fiscal Impact. 3rd Rdg. RC#13, 49-0 (Jackman excused)

SEA 71 – Drainage assessments and storm water: Provides that the State and political subdivisions are not exempt from drainage assessments. Provides that the State is not entitled to a refund of a drainage assessment paid before January 1, 2006. Requires county treasurers to send annually to the State land office a list of State property for which drainage assessments are delinquent.

Establishes that an excluded city or town in Marion County may withdraw from the storm water special taxing district provided the municipal legislative body adopts an ordinance withdrawing the municipality from the district. The legislative body must mail written notice of the meeting at least 30 days prior to the final vote on the ordinance to all owners of lots and parcels within the municipality that are subject to storm water user fees and to the department of public works of the consolidated city. If it adopts such an ordinance it must mail written notice not more than 30 days after the ordinance becomes effective to the department of public works of the consolidated city. If bonds are outstanding, the municipality is liable for that indebtedness in the same ratio as the assessed valuation (AV) of the property in the municipality bears to the AV of all property included in the district.

If a municipal legislative body adopts an ordinance, the district is entitled to receive the following:

- (1) An annual lump sum payment equal to the total amount of property taxes paid and allocated to the district's flood debt service fund from all property taxpayers within the municipality, to the extent the property taxes are not necessary to pay the indebtedness owed by the municipality. Payment is required for property taxes assessed beginning on the January 1 preceding the effective date of the municipality's withdrawal from the district.

- (2) The total amount of storm water user fees collected by the department of public works of the consolidated city from the lots and parcels in the municipality beginning on the January 1 preceding the effective date of the municipality's withdrawal from the district.

Fiscal Impact: Counties may experience an increase in revenues if local units determine that the State has not been assessed drainage payments in the past for which the State was liable. The impact is indeterminable. Concurrence, RC#319, 37-13

SEA 87 – Energy, agriculture and rural development rules: Allows the office of the lieutenant governor to adopt rules to carry out the office's duties relating to energy policy, the center for coal technology research, and the recycling and energy development board. Changes the name of the office of rural affairs to the office of community and rural affairs and makes conforming changes. Allows the office of community and rural affairs and the department of agriculture to adopt rules. Creates an advisory board for the office of community and rural affairs. Creates the rural economic development fund. Repeals the rural development administration fund and the rural development council fund, and transfers the balances of the funds to the rural economic development fund. Removes the requirement that a member of the tourism council represents a rural community and changes the requirement for a quorum for the council. Repeals the rural development council, and repeals the requirement that a member of the council is a member of the tobacco farmers and rural community impact fund advisory board.

Money in the fund may be used for the following purposes:

- (1) To create, assess, and assist a pilot project to enhance the economic and community development in a rural area.
- (2) To establish a local revolving loan fund for:
 - (A) an industrial;
 - (B) a commercial;
 - (C) an agricultural; or
 - (D) a tourist venture.
- (3) To provide a loan for an economic development project in a rural area.
- (4) To provide technical assistance to a rural organization.
- (5) To assist in the development and creation of a rural cooperative.
- (6) To address rural workforce development challenges.
- (7) To assist in addressing telecommunications needs in a rural area.
- (8) To provide funding for rural economic development projects concerning the following issues:
 - (A) Infrastructure, including water, wastewater, and storm water infrastructure needs.
 - (B) Housing.
 - (C) Health care.
 - (D) Local planning.
 - (E) Land use.
 - (F) Other rural economic development issues, as determined by the office.
- (9) To provide funding for the establishment of new regional rural development

groups and the operation of existing regional rural

Under this bill, if an enclosed hunting facility is closed (1) By the state; (2) as a result of revocation of a license by the Dept of Natural Resources (DNR) which has the effect of precluding operation of the enclosed hunting facility; or (3) by DNR's failure to renew a license which has the effect of precluding operation of the enclosed hunting facility; then a taking has occurred and the bill requires compensation to be paid to the owner of the facility. The bill requires the DNR to commission an independent appraiser to determine the amount of compensation and to compensate the owner of an enclosed hunting facility which closes as a result of state action. It is anticipated that the DNR could implement this provision through the use of existing staff resources.

Fiscal Impact: Impact of this provision is indeterminable. It will ultimately depend upon the number of closures of these facilities that occur as a result of state action and the value of the facility or facilities which are closed. CCR, RC# 401, 49-0 (Mrvan excused)

SEA 353 – Alternate fuel use and production: This bill allows a deduction for the retail sale of E85 base fuel from the amount of state gross retail tax that the seller is required to remit. It increases the maximum amount of credits that may be granted for biodiesel production, biodiesel blending, and ethanol production and indicates that the Indiana economic development corporation may grant a credit that is less than the maximum permissible statutory credit. It extends the tax credit for the retail sale of blended biodiesel to 2010. It makes changes in certain definitions applicable to the special fuels tax law. It extends the tax credit for integrated coal gasification powerplants to investments in fluidized combustion bed technologies. It requires the department of agriculture to work with: (1) automobile manufacturers to improve awareness and labeling; and (2) companies to include E85 stations in updates of global positioning navigation software. It grants tort and products liability immunity for the misuse of E85 motor fuel in a vehicle that is not equipped to use E85 motor fuel. Concurrence, RC# 354, 48-0 (Meeks and Rogers not voting)

Telecommunications deregulation – HEA 1279

- This bill prohibits the Utility Consumer Counselor from engaging in another occupation that would conflict with the duties of the office.
- The bill specifies that a person that transmits communications through Internet Protocol enabled services is not a public utility.
- The bill prohibits the IURC from exercising jurisdiction over:
 - advanced and broadband services; and
 - information services.
- This bill specifies that the IURC shall not exercise jurisdiction over commercial mobile service.

- It prohibits, after March 27, 2006, the IURC from exercising jurisdiction over *nonbasic* telecommunications service.
 - The bill also specifies that "basic telecommunications service" does not include functionally equivalent service provided by a person that transmits communications through Internet Protocol enabled services.
- This bill prohibits, after June 30, 2009, the IURC from exercising jurisdiction over *basic* telecommunications service. It makes conforming changes to the laws concerning rural telephone cooperatives.
- The bill prohibits the IURC from exceeding the authority delegated to it under federal law with respect to:
 - interconnection;
 - the resale of telecommunications service; and
 - unbundled network elements.
- The bill allows the IURC to require communications service providers, other than commercial mobile service providers, to report annually, or more frequently at the option of the provider, information on:
 - service quality and performance;
 - the provider's dark fiber in Indiana; and
 - the types of communications service offered by the provider and the areas in Indiana in which those services are offered.
- This bill requires the IURC to adopt rules requiring a telecommunications service provider, whenever the provider communicates with a residential customer about changing the customer's basic telecommunications service to nonbasic telecommunications service, to notify the customer of:
 - the option of basic telecommunications service; and
 - any regulatory protections the customer would forego by switching to nonbasic telecommunications service.
- The bill, with respect to telecommunications service providers and video service providers, allows the IURC to:
 - order certain equitable remedies; and
 - impose a civil penalty of not more than \$10,000; if a service of the provider over which the commission has jurisdiction is unsafe, unjustly discriminatory, or inadequate, or if the service cannot be obtained.
- The bill provides that after June 30, 2006, the IURC is the sole franchising authority for the provision of video service in Indiana.
- The bill prohibits the IURC from requiring a multichannel video programming distributor to pay any fee or charge, other than a franchise fee paid to a local unit, as a condition of receiving or holding a state certificate of franchise authority.

- This bill requires the IURC to adopt rules to establish the Indiana Lifeline Assistance Program to provide reduced charges for basic telecommunications service for eligible customers.
- The bill requires the IURC to collect, on at least an annual basis, certain data concerning the build out of video service infrastructure in each metropolitan statistical area in Indiana during the period beginning July 1, 2006, and ending June 30, 2010. The bill also requires the IURC to include the data collected in the IURC's report to the Regulatory Flexibility Committee due July 1, 2010.
- This bill also requires the Regulatory Flexibility Committee to:
 - conduct an analysis of retail and wholesale rates charged by the telecommunications industry in Indiana; and
 - make a record of each instance of predatory pricing identified; for the period beginning July 1, 2006 and ending June 30, 2008.
 - The bill requires the Committee to report its findings to the Legislative Council not later than November 1, 2008.
- This bill provides that during the period beginning March 28, 2006, and ending June 30, 2009, a provider may increase the flat monthly rate for basic telecommunications service:
 - not more than once; and
 - by not more than \$1; every 12 months.
 - The bill provides that not later than 18 months after a provider's first rate increase in a local exchange area, the provider must offer broadband service to at least 50% of households in the local exchange area. This bill requires an incumbent local exchange carrier (ILEC) to continue to offer a flat monthly rate for unlimited local calling in exchange areas in which the provider offers basic telecommunications service on March 27, 2006.
- The bill provides that after June 30, 2009, a provider that offers basic telecommunications service in Indiana:
 - must offer a flat monthly rate for unlimited local calling in each exchange area in which the provider offers basic telecommunications service; and
 - may not offer any service plan that includes measured local service.
- This bill also allows the IURC to revoke a certificate of territorial authority issued to a communications service provider if the provider fails or refuses to comply with the reporting requirements.
- The bill provides that the IURC may not require a provider to provide communications service to occupants of multitenant nonresidential real estate if the owner of the property does any of the following to benefit another provider:
 - Permits only one provider to install communications facilities or equipment on the premises.

- Accepts incentives from a provider in exchange for allowing the provider the exclusive right to provide service to the premises.
 - Collects charges from occupants for communications service.
 - Enters into a prohibited agreement with a provider.
- It prohibits a communications service provider from entering into an agreement after March 27, 2006, that requires any person to restrict or limit the ability of another provider to obtain:
 - easements or rights-of-way; or
 - access to real property.
- The bill prohibits the IURC from requiring a provider to satisfy any build-out requirements.
- This bill also prohibits the owner of multitenant real estate from taking certain actions to restrict or limit the access of a communications service provider to the property. It allows the owner of multitenant real estate to impose certain conditions and limitations on a provider's access to the property in order to protect the safety or condition of the property or the safety and convenience of other people. The bill provides that certain persons affected by a violation of the access provisions may seek equitable or compensatory relief.
- The bill prohibits a provider from denying access to video service to any group of potential subscribers based on income.
- The bill, after June 30, 2009, requires a communications service provider to obtain a certificate of territorial authority from the IURC before offering communications service in Indiana.
 - It provides that the IURC may not require a provider to file a tariff as a condition of receiving a certificate.
 - It allows the IURC to condition the issuance of a certificate on a provider's agreement to provide advance notice to customers of increases in rates or services.
- The bill also provides that the holder of a state issued franchise must comply with state and local laws governing the use of rights-of-way.
- It allows the holder of a local franchise on June 30, 2006, to:
 - continue providing service under the local franchise until the local franchise expires; or
 - terminate the local franchise and apply to the IURC for a state-issued franchise.
- The bill provides that a provider that terminates a local franchise remains subject to any obligations owed to a private person under the franchise until the time the terminated franchise would ordinarily expire.

- This bill prescribes requirements concerning public, educational, and governmental channel capacity and financial support.
- The bill provides that a video service provider in a unit that has a local franchise is required to continue providing institutional network capacity and video service to community public buildings until January 1, 2009, or until the local franchise will expire or would have expired, whichever is later.
- This bill also provides that the Indiana Finance Authority shall determine underserved areas within Indiana for purposes of the Indiana broadband development program.

Passed by Senate on 3rd Rdg. RC# 219, 42-7

INDIANA STATE SENATE

Roll Call Number: 10 *

Date: 01/19/2006
Time: 2:26:10 PM

SB 39
Ford
3rd Reading
Legal settlement in a school corporation.

Presiding: Wyss

YEAS - 48 NAYS - 0 NOT VOTING - 1 EXCUSED - 1
PASSED

YEAS - 48

Alting	Garton	Lubbers	Sipes
Becker	Harrison	Lutz	Skinner
Bowser	Heinold	Meeks, R.	Smith
Bray	Howard	Merritt	Steele
Breaux	Hume	Miller	Tallian
Broden	Kenley	Mishler	Waltz
Craycraft	Kruse	Mrvan	Waterman
Delph	Lanane	Nugent	Weatherwax
Dillon	Landske	Paul	Wyss
Drozda	Lawson	Riegsecker	Young, M
Ford	Lewis	Rogers	Young, R.
Gard	Long	Simpson	Zakas

NAYS - 0**NOT VOTING - 1**

Hershman

EXCUSED - 1

Jackman

INDIANA STATE SENATE

Roll Call Number: 13

Date: 01/19/2006
Time: 2:39:59 PM

SB 69
Weatherwax
3rd Reading
Governance of rural telephone cooperatives.

Presiding: Wyss

YEAS - 49 NAYS - 0 EXCUSED - 1
PASSED

YEAS - 49

Alting	Harrison	Lutz	Smith
Becker	Heinold	Meeks, R.	Steele
Bowser	Hershman	Merritt	Tallian
Bray	Howard	Miller	Waltz
Breaux	Hume	Mishler	Waterman
Broden	Kenley	Mrvan	Weatherwax
Craycraft	Kruse	Nugent	Wyss
Delph	Lanane	Paul	Young, M
Dillon	Landske	Riegsecker	Young, R.
Drozda	Lawson	Rogers	Zakas
Ford	Lewis	Simpson	
Gard	Long	Sipes	
Garton	Lubbers	Skinner	

NAYS - 0**EXCUSED - 1**

Jackman

INDIANA STATE SENATE

Roll Call Number: 34

Date: 01/24/2006
Time: 3:54:20 PM

SB 208
Dillon
3rd Reading
Medical alert on licenses or identification cards.

Presiding: President

YEAS - 47 NAYS - 0 EXCUSED - 3
PASSED

YEAS - 47

Alting	Harrison	Lubbers	Sipes
Bowser	Heinold	Lutz	Skinner
Bray	Hershman	Meeks, R.	Smith
Breaux	Howard	Merritt	Tallian
Broden	Hume	Miller	Waltz
Craycraft	Kenley	Mishler	Waterman
Delph	Kruse	Mrvan	Weatherwax
Dillon	Lanane	Nugent	Wyss
Drozda	Landske	Paul	Young, M
Ford	Lawson	Riegsecker	Young, R.
Gard	Lewis	Rogers	Zakas
Garton	Long	Simpson	

NAYS - 0**EXCUSED - 3**

Becker	Jackman	Steele
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INDIANA STATE SENATE

Roll Call Number: 38

Date: 01/24/2006
Time: 4:12:03 PM

SB 87
Jackman
3rd Reading
Energy, agriculture, and rural development rules.

Presiding: President

YEAS - 47 NAYS - 0 EXCUSED - 3
PASSED

YEAS - 47

Alting	Harrison	Lubbers	Sipes
Bowser	Heinold	Lutz	Skinner
Bray	Hershman	Meeks, R.	Smith
Breaux	Howard	Merritt	Tallian
Broden	Hume	Miller	Waltz
Craycraft	Kenley	Mishler	Waterman
Delph	Kruse	Mrvan	Weatherwax
Dillon	Lanane	Nugent	Wyss
Drozda	Landske	Paul	Young, M
Ford	Lawson	Riegsecker	Young, R.
Gard	Lewis	Rogers	Zakas
Garton	Long	Simpson	

NAYS - 0**EXCUSED - 3**

Becker	Jackman	Steele
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INDIANA STATE SENATE				INDIANA STATE SENATE			
Roll Call Number: 39		Date: 01/24/2006 Time: 4:26:27 PM		Roll Call Number: 43		Date: 01/24/2006 Time: 4:41:54 PM	
SB 154 Heinold 3rd Reading Extra heavy duty highway.				SB 133 Kruse 3rd Reading Permits for oversized or overweight vehicles.			
Presiding: President				Presiding: President			
YEAS - 47		NAYS - 0		YEAS - 47		NAYS - 0	
EXCUSED - 3				EXCUSED - 3			
PASSED				PASSED			
YEAS - 47				YEAS - 47			
Alting	Harrison	Lubbers	Sipes	Alting	Harrison	Lubbers	Sipes
Bowser	Heinold	Lutz	Skinner	Bowser	Heinold	Lutz	Skinner
Bray	Hershman	Meeks, R.	Smith	Bray	Hershman	Meeks, R.	Smith
Breaux	Howard	Merritt	Tallian	Breaux	Howard	Merritt	Tallian
Broden	Hume	Miller	Waltz	Broden	Hume	Miller	Waltz
Craycraft	Kenley	Mishler	Waterman	Craycraft	Kenley	Mishler	Waterman
Delph	Kruse	Mrvan	Weatherwax	Delph	Kruse	Mrvan	Weatherwax
Dillon	Lanane	Nugent	Wyss	Dillon	Lanane	Nugent	Wyss
Drozda	Landske	Paul	Young, M	Drozda	Landske	Paul	Young, M
Ford	Lawson	Riegsecker	Young, R.	Ford	Lawson	Riegsecker	Young, R.
Gard	Lewis	Rogers	Zakas	Gard	Lewis	Rogers	Zakas
Garton	Long	Simpson		Garton	Long	Simpson	
NAYS - 0				NAYS - 0			
EXCUSED - 3				EXCUSED - 3			
Becker	Jackman	Steele		Becker	Jackman	Steele	

INDIANA STATE SENATE				INDIANA STATE SENATE			
Roll Call Number: 47		Date: 01/24/2006 Time: 5:06:12 PM		Roll Call Number: 54		Date: 01/26/2006 Time: 2:29:00 PM	
<div>SB 246 Wyss 3rd Reading Sex offenders.</div>				<div>SB 169 Miller 3rd Reading Extension of nursing facility assessment fee.</div>			
Presiding: President				Presiding: President			
YEAS - 47		NAYS - 0		YEAS - 48		NAYS - 0	
		EXCUSED - 3				EXCUSED - 2	
PASSED				PASSED			
YEAS - 47				YEAS - 48			
Alting	Harrison	Lubbers	Sipes	Alting	Garton	Long	Simpson
Bowser	Heinold	Lutz	Skinner	Becker	Harrison	Lubbers	Sipes
Bray	Hershman	Meeks, R.	Smith	Bowser	Heinold	Lutz	Skinner
Breaux	Howard	Merritt	Tallian	Bray	Hershman	Meeks, R.	Smith
Broden	Hume	Miller	Waltz	Breaux	Howard	Merritt	Tallian
Craycraft	Kenley	Mishler	Waterman	Broden	Hume	Miller	Waltz
Delph	Kruse	Mrvan	Weatherwax	Craycraft	Kenley	Mishler	Waterman
Dillon	Lanane	Nugent	Wyss	Delph	Kruse	Mrvan	Weatherwax
Drozda	Landske	Paul	Young, M	Dillon	Lanane	Nugent	Wyss
Ford	Lawson	Riegsecker	Young, R.	Drozda	Landske	Paul	Young, M
Gard	Lewis	Rogers	Zakas	Ford	Lawson	Riegsecker	Young, R.
Garton	Long	Simpson		Gard	Lewis	Rogers	Zakas
NAYS - 0				NAYS - 0			
EXCUSED - 3				EXCUSED - 2			
Becker	Jackman	Steele		Jackman	Steele		

INDIANA STATE SENATE

Roll Call Number: 58

Date: 01/26/2006
Time: 2:45:44 PM

SB 191
Wyss
3rd Reading
Photos in criminal history files.

Presiding: President

YEAS - 48 NAYS - 0 EXCUSED - 2
PASSED

YEAS - 48

Alting	Garton	Long	Simpson
Becker	Harrison	Lubbers	Sipes
Bowser	Heinold	Lutz	Skinner
Bray	Hershman	Meeks, R.	Smith
Breaux	Howard	Merritt	Tallian
Broden	Hume	Miller	Waltz
Craycraft	Kenley	Mishler	Waterman
Delph	Kruse	Mrvan	Weatherwax
Dillon	Lanane	Nugent	Wyss
Drozda	Landske	Paul	Young, M
Ford	Lawson	Riegsecker	Young, R.
Gard	Lewis	Rogers	Zakas

NAYS - 0**EXCUSED - 2**

Jackman	Steele
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INDIANA STATE SENATE

Roll Call Number: 62

Date: 01/26/2006
Time: 3:01:01 PM

SJR 2
Lawson
3rd Reading
Overseas voters.

Presiding: President

YEAS - 47 NAYS - 0 NOT VOTING - 1 EXCUSED - 2
PASSED

YEAS - 47

Alting	Garton	Long	Simpson
Becker	Harrison	Lubbers	Sipes
Bowser	Heinold	Lutz	Skinner
Bray	Hershman	Meeks, R.	Smith
Breaux	Howard	Merritt	Tallian
Broden	Hume	Miller	Waltz
Craycraft	Kenley	Mishler	Waterman
Delph	Kruse	Mrvan	Weatherwax
Dillon	Lanane	Nugent	Wyss
Drozda	Landske	Paul	Young, M
Ford	Lawson	Riegsecker	Young, R.
Gard	Lewis	Rogers	

NAYS - 0**NOT VOTING - 1**

Zakas

EXCUSED - 2

Jackman	Steele
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INDIANA STATE SENATE

Roll Call Number: 71

Date: 01/30/2006
Time: 4:12:08 PM

SB 37
Lawson
2nd Reading
Miscellaneous election law changes.

Amendment: 1 Howard

Presiding: President

YEAS - 17 NAYS - 32 NOT VOTING - 1
FAILED

YEAS - 17

Bowser	Hume	Rogers	Tallian
Breaux	Lanane	Simpson	Young, R.
Broden	Lewis	Sipes	
Craycraft	Lutz	Skinner	
Howard	Mrvan	Smith	

NAYS - 32

Alting	Garton	Lawson	Paul
Becker	Harrison	Long	Riegsecker
Bray	Heinold	Lubbers	Steele
Delph	Hershman	Meeks, R.	Waterman
Dillon	Jackman	Merritt	Weatherwax
Drozda	Kenley	Miller	Wyss
Ford	Kruse	Mishler	Young, M
Gard	Landske	Nugent	Zakas

NOT VOTING - 1

Waltz

INDIANA STATE SENATE

Roll Call Number: 72

Date: 01/30/2006
Time: 4:19:07 PM

SB 37
Lawson
2nd Reading
Miscellaneous election law changes.

Amendment: 2 Breaux

Presiding: President

YEAS - 17 NAYS - 32 NOT VOTING - 1
FAILED

YEAS - 17

Bowser	Hume	Rogers	Tallian
Breaux	Lanane	Simpson	Young, R.
Broden	Lewis	Sipes	
Craycraft	Lutz	Skinner	
Howard	Mrvan	Smith	

NAYS - 32

Alting	Garton	Lawson	Paul
Becker	Harrison	Long	Riegsecker
Bray	Heinold	Lubbers	Steele
Delph	Hershman	Meeks, R.	Waterman
Dillon	Jackman	Merritt	Weatherwax
Drozda	Kenley	Miller	Wyss
Ford	Kruse	Mishler	Young, M
Gard	Landske	Nugent	Zakas

NOT VOTING - 1

Waltz

INDIANA STATE SENATE

Roll Call Number: 73

Date: 01/30/2006
Time: 4:24:24 PM**SB 37**Lawson
2nd Reading
Miscellaneous election law changes.

Amendment: 3 Breaux

Presiding: President

YEAS - 17 NAYS - 33

FAILED**YEAS - 17**Bowser
Breux
Broden
Craycraft
HowardHume
Lanane
Lewis
Lutz
MrvanRogers
Simpson
Sipes
Skinner
SmithTallian
Young, R.**NAYS - 33**Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard
GartonHarrison
Heinold
Hershman
Jackman
Kenley
Kruise
Landske
Lawson
LongLubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul
Riegsecker
SteeleWaltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

INDIANA STATE SENATE

Roll Call Number: 91

Date: 01/31/2006
Time: 5:27:04 PM**SB 36**Lawson
3rd Reading
Makes the commission on mental health permanent.

Presiding: President

YEAS - 47 NAYS - 3

PASSED**YEAS - 47**Alting
Becker
Bowser
Bray
Breux
Broden
Craycraft
Delph
Dillon
Ford
Gard
GartonHeinold
Hershman
Howard
Hume
Jackman
Kruise
Lanane
Landske
Lawson
Lewis
Long
LubbersLutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
SipesSkinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas**NAYS - 3**

Drozda

Harrison

Kenley

INDIANA STATE SENATE

Roll Call Number: 135

Date: 02/02/2006
Time: 11:48:21 AM**SB 1**M. Young
3rd Reading
Marion County government matters.

Presiding: President

YEAS - 31 NAYS - 19

PASSED**YEAS - 31**Alting
Becker
Bray
Delph
Dillon
Ford
Gard
GartonHarrison
Heinold
Hershman
Jackman
Kenley
Kruise
Landske
LawsonLong
Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
PaulRiegsecker
Steele
Waltz
Waterman
Weatherwax
Young, M
Zakas**NAYS - 19**Bowser
Breux
Broden
Craycraft
DrozdaHoward
Hume
Lanane
Lewis
LutzMrvan
Rogers
Simpson
Sipes
SkinnerSmith
Tallian
Wyss
Young, R.

INDIANA STATE SENATE

Roll Call Number: 145

Date: 02/02/2006
Time: 3:29:33 PM**SB 308**Simpson
3rd Reading
Medicaid income spend down.

Presiding: President

YEAS - 49 NAYS - 1

PASSED**YEAS - 49**Alting
Becker
Bowser
Bray
Breux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
GartonHarrison
Heinold
Hershman
Howard
Hume
Jackman
Kruise
Lanane
Landske
Lawson
Lewis
Long
LubbersLutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes
SkinnerSmith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas**NAYS - 1**

Kenley

INDIANA STATE SENATE

Roll Call Number: 200

Date: 02/20/2006
Time: 6:22:54 PM

HB 1347
Lubbers
2nd Reading
Various education matters.

Amendment: 2 Simpson

Presiding: Garton

YEAS - 17 NAYS - 32 NOT VOTING - 1

FAILED**YEAS - 17**

Bowser	Hume	Rogers	Tallian
Breaux	Lanane	Simpson	Young, R.
Broden	Lewis	Sipes	
Craycraft	Lutz	Skinner	
Howard	Mrvan	Smith	

NAYS - 32

Alting	Garton	Lawson	Paul
Becker	Harrison	Long	Riegsecker
Bray	Heinold	Lubbers	Steele
Delph	Hershman	Meeks, R.	Waltz
Dillon	Jackman	Merritt	Waterman
Drozda	Kenley	Miller	Wyss
Ford	Kruse	Mishler	Young, M
Gard	Landske	Nugent	Zakas

NOT VOTING - 1

Weatherwax

INDIANA STATE SENATE

Roll Call Number: 204

Date: 02/21/2006
Time: 4:46:07 PM

HB 1006
Lubbers
3rd Reading
Allocation of school resources; homeless students.

Presiding: President

YEAS - 34 NAYS - 15 NOT VOTING - 1

PASSED**YEAS - 34**

Alting	Harrison	Lubbers	Steele
Becker	Heinold	Meeks, R.	Waltz
Bray	Hershman	Merritt	Waterman
Delph	Jackman	Miller	Weatherwax
Dillon	Kenley	Mishler	Wyss
Drozda	Kruse	Nugent	Young, M
Ford	Landske	Paul	Zakas
Gard	Lawson	Riegsecker	
Garton	Long	Rogers	

NAYS - 15

Bowser	Hume	Mrvan	Smith
Breaux	Lanane	Simpson	Tallian
Craycraft	Lewis	Sipes	Young, R.
Howard	Lutz	Skinner	

NOT VOTING - 1

Broden

INDIANA STATE SENATE

Roll Call Number: 205

Date: 02/21/2006
Time: 4:52:00 PM

HB 1013
Miller
3rd Reading
License plates.

Presiding: President

YEAS - 49 NAYS - 1

PASSED**YEAS - 49**

Alting	Heinold	Lutz	Smith
Becker	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	
Harrison	Lubbers	Skinner	

NAYS - 1

Bowser

INDIANA STATE SENATE

Roll Call Number: 207

Date: 02/21/2006
Time: 4:57:39 PM

HB 1023
Heinold
3rd Reading
Addiction treatment facilities.

Presiding: President

YEAS - 49 NAYS - 1

PASSED**YEAS - 49**

Alting	Harrison	Lubbers	Smith
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Meeks, R.	Tallian
Bray	Howard	Merritt	Waltz
Breaux	Hume	Miller	Waterman
Broden	Jackman	Mishler	Weatherwax
Craycraft	Kenley	Mrvan	Wyss
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Skinner	

NAYS - 1

Sipes

INDIANA STATE SENATE

Roll Call Number: 209

Date: 02/21/2006
Time: 5:03:50 PM**HB 1065**
Heinold
3rd Reading
Pesticide application.

Presiding: President

YEAS - 47 NAYS - 3**PASSED****YEAS - 47**

Alting	Garton	Lubbers	Sipes
Becker	Harrison	Lutz	Smith
Bowser	Heinold	Meeks, R.	Steele
Bray	Hershman	Merritt	Tallian
Breaux	Howard	Miller	Waltz
Broden	Hume	Mishler	Waterman
Craycraft	Jackman	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Long	Simpson	

NAYS - 3

Kenley	Lewis	Skinner
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INDIANA STATE SENATE

Roll Call Number: 212

Date: 02/21/2006
Time: 5:14:26 PM**HB 1113**
Bray
3rd Reading
Liability connected with consumption of food and beverages.

Presiding: President

YEAS - 41 NAYS - 9**PASSED****YEAS - 41**

Alting	Heinold	Lutz	Steele
Bowser	Hershman	Meeks, R.	Tallian
Bray	Howard	Merritt	Waltz
Craycraft	Hume	Miller	Weatherwax
Delph	Jackman	Mishler	Wyss
Dillon	Kruse	Mrvan	Young, M
Drozda	Landske	Nugent	Young, R.
Ford	Lawson	Paul	Zakas
Gard	Lewis	Riegsecker	
Garton	Long	Sipes	
Harrison	Lubbers	Skinner	

NAYS - 9

Becker	Kenley	Simpson
Breaux	Lanane	Smith
Broden	Rogers	Waterman

INDIANA STATE SENATE

Roll Call Number: 213

Date: 02/21/2006
Time: 5:16:47 PM**HB 1124**
Drozda
3rd Reading
Rainy day fund loans to political subdivisions.

Presiding: President

YEAS - 49 NAYS - 1**PASSED****YEAS - 49**

Alting	Harrison	Lubbers	Smith
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Merritt	Tallian
Bray	Howard	Miller	Waltz
Breaux	Hume	Mishler	Waterman
Broden	Jackman	Mrvan	Weatherwax
Craycraft	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Young, M
Dillon	Lanane	Riegsecker	Young, R.
Drozda	Landske	Rogers	Zakas
Ford	Lawson	Simpson	
Gard	Lewis	Sipes	
Garton	Long	Skinner	

NAYS - 1

Meeks, R.

INDIANA STATE SENATE

Roll Call Number: 217

Date: 02/21/2006
Time: 5:51:07 PM**HB 1234**
Dillon
3rd Reading
Public safety officer death benefit.

Presiding: President

YEAS - 49 NAYS - 1**PASSED****YEAS - 49**

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Weatherwax
Craycraft	Kenley	Mrvan	Wyss
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 1

Waterman

INDIANA STATE SENATE

Roll Call Number: 219

Date: 02/21/2006
Time: 6:08:21 PM**HB 1279**
Hershman
3rd Reading
Telecommunications.

Presiding: President

YEAS - 42 NAYS - 7 EXCUSED - 1

PASSED**YEAS - 42**

Alting	Hershman	Lutz	Steele
Bray	Howard	Meeks, R.	Tallian
Breaux	Hume	Merritt	Waltz
Broden	Jackman	Miller	Waterman
Craycraft	Kenley	Mishler	Weatherwax
Dillon	Kruse	Mrvan	Wyss
Drozda	Landske	Nugent	Young, M
Gard	Lawson	Paul	Young, R.
Garton	Lewis	Riegsecker	Zakas
Harrison	Long	Rogers	
Heinold	Lubbers	Smith	

NAYS - 7

Becker	Ford	Simpson	Skinner
Bowser	Lanane	Sipes	

EXCUSED - 1

Delph

INDIANA STATE SENATE

Roll Call Number: 226

Date: 02/21/2006
Time: 6:28:20 PM**HB 1347**
Lubbers
3rd Reading
Various education matters.

Presiding: President

YEAS - 49 NAYS - 1

PASSED**YEAS - 49**

Alting	Heinold	Lutz	Smith
Becker	Hershman	Meeks, R.	Steele
Bowser	Howard	Merritt	Tallian
Bray	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	
Harrison	Lubbers	Skinner	

NAYS - 1

Breaux

INDIANA STATE SENATE

Roll Call Number: 230

Date: 02/23/2006
Time: 3:26:53 PM**HB 1011**
Lawson
2nd Reading
Miscellaneous election law matters.

Amendment: 6 Breaux

Presiding: President

YEAS - 17 NAYS - 31 EXCUSED - 2

FAILED**YEAS - 17**

Bowser	Hume	Rogers	Tallian
Breaux	Lanane	Simpson	Young, R.
Broden	Lewis	Sipes	
Craycraft	Lutz	Skinner	
Howard	Mrvan	Smith	

NAYS - 31

Alting	Garton	Lawson	Riegsecker
Becker	Harrison	Lubbers	Steele
Bray	Heinold	Meeks, R.	Waltz
Delph	Hershman	Merritt	Weatherwax
Dillon	Jackman	Miller	Wyss
Drozda	Kenley	Mishler	Young, M
Ford	Kruse	Nugent	Young, R.
Gard	Landske	Paul	Zakas

EXCUSED - 2

Long Waterman

INDIANA STATE SENATE

Roll Call Number: 231

Date: 02/23/2006
Time: 3:41:20 PM**HB 1076**
Hershman
3rd Reading
Contracts for public water and wastewater projects.

Presiding: President

YEAS - 47 NAYS - 0 NOT VOTING - 1 EXCUSED - 2

PASSED**YEAS - 47**

Alting	Garton	Lewis	Simpson
Becker	Harrison	Lubbers	Sipes
Bowser	Heinold	Lutz	Skinner
Bray	Hershman	Meeks, R.	Steele
Breaux	Howard	Merritt	Tallian
Broden	Hume	Miller	Waltz
Craycraft	Jackman	Mishler	Weatherwax
Delph	Kenley	Mrvan	Wyss
Dillon	Kruse	Nugent	Young, M
Drozda	Lanane	Paul	Young, R.
Ford	Landske	Riegsecker	Zakas
Gard	Lawson	Rogers	

NAYS - 0**NOT VOTING - 1**

Smith

EXCUSED - 2

Long Waterman

INDIANA STATE SENATE

Roll Call Number: 232

Date: 02/23/2006
Time: 3:44:33 PM

HB 1267
Harrison
3rd Reading
Employment certificates for children.

Presiding: President

YEAS - 47 NAYS - 0 NOT VOTING - 1 EXCUSED - 2

PASSED

YEAS - 47

Alting	Garton	Lewis	Simpson
Becker	Harrison	Lubbers	Sipes
Bowser	Heinold	Lutz	Skinner
Bray	Hershman	Meeks, R.	Steele
Breaux	Howard	Merritt	Tallian
Broden	Hume	Miller	Waltz
Craycraft	Jackman	Mishler	Weatherwax
Delph	Kenley	Mrvan	Wyss
Dillon	Kruse	Nugent	Young, M
Drozda	Lanane	Paul	Young, R.
Ford	Landske	Riegsecker	Zakas
Gard	Lawson	Rogers	

NAYS - 0

NOT VOTING - 1

Smith

EXCUSED - 2

Long Waterman

INDIANA STATE SENATE

Roll Call Number: 233

Date: 02/23/2006
Time: 3:46:29 PM

HB 1299
Paul
3rd Reading
Financial institutions.

Presiding: President

YEAS - 48 NAYS - 0 EXCUSED - 2

PASSED

YEAS - 48

Alting	Garton	Lewis	Simpson
Becker	Harrison	Lubbers	Sipes
Bowser	Heinold	Lutz	Skinner
Bray	Hershman	Meeks, R.	Smith
Breaux	Howard	Merritt	Steele
Broden	Hume	Miller	Tallian
Craycraft	Jackman	Mishler	Waltz
Delph	Kenley	Mrvan	Weatherwax
Dillon	Kruse	Nugent	Wyss
Drozda	Lanane	Paul	Young, M
Ford	Landske	Riegsecker	Young, R.
Gard	Lawson	Rogers	Zakas

NAYS - 0

EXCUSED - 2

Long Waterman

INDIANA STATE SENATE

Roll Call Number: 240

Date: 02/27/2006
Time: 5:46:47 PM

HB 1108
Long
3rd Reading
Aggressive driving and criminal recklessness.

Presiding: President

YEAS - 45 NAYS - 5

PASSED

YEAS - 45

Alting	Heinold	Meeks, R.	Steele
Becker	Howard	Merritt	Tallian
Bowser	Jackman	Miller	Waltz
Bray	Kenley	Mishler	Waterman
Breaux	Kruse	Mrvan	Weatherwax
Broden	Lanane	Nugent	Wyss
Craycraft	Landske	Paul	Young, M
Delph	Lawson	Riegsecker	Young, R.
Drozda	Lewis	Simpson	Zakas
Ford	Long	Sipes	
Gard	Lubbers	Skinner	
Garton	Lutz	Smith	

NAYS - 5

Dillon	Hershman	Rogers
Harrison	Hume	

INDIANA STATE SENATE

Roll Call Number: 246

Date: 02/28/2006
Time: 6:12:49 PM

HB 1011
Lawson
3rd Reading
Miscellaneous election law matters.

Presiding: President

YEAS - 34 NAYS - 15 EXCUSED - 1

PASSED

YEAS - 34

Alting	Harrison	Lubbers	Steele
Becker	Heinold	Meeks, R.	Waltz
Bray	Hershman	Merritt	Waterman
Delph	Jackman	Miller	Weatherwax
Dillon	Kenley	Mishler	Wyss
Drozda	Kruse	Mrvan	Young, M
Ford	Landske	Nugent	Zakas
Gard	Lawson	Paul	
Garton	Long	Riegsecker	

NAYS - 15

Bowser	Howard	Lutz	Skinner
Breaux	Hume	Rogers	Tallian
Broden	Lanane	Simpson	Young, R.
Craycraft	Lewis	Sipes	

EXCUSED - 1

Smith

INDIANA STATE SENATE				INDIANA STATE SENATE			
Roll Call Number: 248		Date: 02/28/2006 Time: 6:16:39 PM		Roll Call Number: 249		Date: 02/28/2006 Time: 6:20:59 PM	
<div>HB 1024 Drozda 3rd Reading Criminal confinement.</div>				<div>HB 1028 Nugent 3rd Reading Firearms and self-defense.</div>			
Presiding: President				Presiding: President			
YEAS - 47		NAYS - 2		YEAS - 44		NAYS - 5	
PASSED				PASSED			
YEAS - 47				YEAS - 44			
Alting	Garton	Long	Sipes	Alting	Garton	Lewis	Sipes
Becker	Harrison	Lubbers	Skinner	Becker	Harrison	Long	Skinner
Bowser	Heinold	Lutz	Steele	Bowser	Heinold	Lubbers	Steele
Bray	Hershman	Merritt	Tallian	Bray	Hershman	Lutz	Tallian
Breaux	Howard	Miller	Waltz	Broden	Hume	Meeks, R.	Waltz
Broden	Jackman	Mishler	Waterman	Craycraft	Jackman	Merritt	Waterman
Craycraft	Kenley	Mrvan	Weatherwax	Delph	Kenley	Miller	Weatherwax
Delph	Kruse	Nugent	Wyss	Dillon	Kruse	Mishler	Wyss
Dillon	Lanane	Paul	Young, M	Drozda	Lanane	Mrvan	Young, M
Drozda	Landske	Riegsecker	Young, R.	Ford	Landske	Nugent	Young, R.
Ford	Lawson	Rogers	Zakas	Gard	Lawson	Paul	Zakas
Gard	Lewis	Simpson					
NAYS - 2				NAYS - 5			
Hume	Meeks, R.			Breaux	Riegsecker	Simpson	
				Howard	Rogers		
EXCUSED - 1				EXCUSED - 1			
Smith				Smith			

INDIANA STATE SENATE				INDIANA STATE SENATE			
Roll Call Number: 251		Date: 02/28/2006 Time: 6:25:20 PM		Roll Call Number: 252		Date: 02/28/2006 Time: 6:31:15 PM	
HB 1080 Miller 3rd Reading Standards and inspection of abortion clinics.				HB 1089 Kenley 3rd Reading Annexation of property zoned agricultural.			
Presiding: President				Presiding: President			
YEAS - 48		NAYS - 1		YEAS - 41		NAYS - 8	
PASSED				PASSED			
YEAS - 48				YEAS - 41			
Alting	Harrison	Long	Simpson	Alting	Garton	Lutz	Skinner
Becker	Heinold	Lubbers	Sipes	Becker	Hershman	Meeks, R.	Steele
Bray	Hershman	Lutz	Skinner	Bowser	Howard	Merritt	Tallian
Breaux	Howard	Meeks, R.	Steele	Breaux	Kenley	Miller	Waltz
Broden	Hume	Merritt	Tallian	Broden	Kruse	Mishler	Weatherwax
Craycraft	Jackman	Miller	Waltz	Craycraft	Lanane	Mrvan	Wyss
Delph	Kenley	Mishler	Waterman	Delph	Landske	Paul	Young, M
Dillon	Kruse	Mrvan	Weatherwax	Dillon	Lawson	Riegsecker	Zakas
Drozda	Lanane	Nugent	Wyss	Drozda	Lewis	Rogers	
Ford	Landske	Paul	Young, M	Ford	Long	Simpson	
Gard	Lawson	Riegsecker	Young, R.	Gard	Lubbers	Sipes	
Garton	Lewis	Rogers	Zakas				
NAYS - 1				NAYS - 8			
Bowser				Bray	Heinold	Jackman	Waterman
				Harrison	Hume	Nugent	Young, R.
EXCUSED - 1				EXCUSED - 1			
Smith				Smith			

INDIANA STATE SENATE

Roll Call Number: 253

Date: 02/28/2006
Time: 7:03:43 PM**HB 1093**Wyss
3rd Reading
Offenses on school property or against school employees.

Presiding: President

YEAS - 41 NAYS - 8 EXCUSED - 1**PASSED****YEAS - 41**

Alting	Hershman	Meeks, R.	Skinner
Becker	Jackman	Merritt	Steele
Bowser	Kenley	Miller	Tallian
Breaux	Kruse	Mishler	Weatherwax
Broden	Lanane	Mrvan	Wyss
Craycraft	Landske	Nugent	Young, M
Delph	Lawson	Paul	Young, R.
Gard	Lewis	Riegsecker	Zakas
Garton	Long	Rogers	
Harrison	Lubbers	Simpson	
Heinold	Lutz	Sipes	

NAYS - 8

Bray	Drozda	Howard	Waltz
Dillon	Ford	Hume	Waterman

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 256

Date: 03/01/2006
Time: 5:16:37 PM**HB 1008**R. Meeks
2nd Reading
Public-private agreements for transportation.

Amendment: 36 Simpson

Presiding: President

YEAS - 16 NAYS - 33 EXCUSED - 1**FAILED****YEAS - 16**

Bowser	Howard	Lutz	Sipes
Breaux	Hume	Mrvan	Skinner
Broden	Lanane	Rogers	Tallian
Craycraft	Lewis	Simpson	Young, R.

NAYS - 33

Alting	Harrison	Lubbers	Waltz
Becker	Heinold	Meeks, R.	Waterman
Bray	Hershman	Merritt	Weatherwax
Delph	Jackman	Miller	Wyss
Dillon	Kenley	Mishler	Young, M
Drozda	Kruse	Nugent	Zakas
Ford	Landske	Paul	
Gard	Lawson	Riegsecker	
Garton	Long	Steele	

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 257

Date: 03/01/2006
Time: 5:43:35 PM**HB 1008**R. Meeks
2nd Reading
Public-private agreements for transportation.

Amendment: 32 Tallian

Presiding: President

YEAS - 16 NAYS - 33 EXCUSED - 1**FAILED****YEAS - 16**

Bowser	Howard	Lutz	Sipes
Breaux	Hume	Mrvan	Skinner
Broden	Lanane	Rogers	Tallian
Craycraft	Lewis	Simpson	Young, R.

NAYS - 33

Alting	Harrison	Lubbers	Waltz
Becker	Heinold	Meeks, R.	Waterman
Bray	Hershman	Merritt	Weatherwax
Delph	Jackman	Miller	Wyss
Dillon	Kenley	Mishler	Young, M
Drozda	Kruse	Nugent	Zakas
Ford	Landske	Paul	
Gard	Lawson	Riegsecker	
Garton	Long	Steele	

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 258

Date: 03/01/2006
Time: 5:48:55 PM**HB 1008**R. Meeks
2nd Reading
Public-private agreements for transportation.

Amendment: 33 Lanane

Presiding: President

YEAS - 18 NAYS - 31 EXCUSED - 1**FAILED****YEAS - 18**

Alting	Howard	Mrvan	Tallian
Bowser	Hume	Rogers	Waterman
Breaux	Lanane	Simpson	Young, R.
Broden	Lewis	Sipes	
Craycraft	Lutz	Skinner	

NAYS - 31

Becker	Harrison	Long	Riegsecker
Bray	Heinold	Lubbers	Steele
Delph	Hershman	Meeks, R.	Waltz
Dillon	Jackman	Merritt	Weatherwax
Drozda	Kenley	Miller	Wyss
Ford	Kruse	Mishler	Young, M
Gard	Landske	Nugent	Zakas
Garton	Lawson	Paul	

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 259

Date: 03/01/2006
Time: 5:52:20 PM**HB 1008**

R. Meeks

2nd Reading

Public-private agreements for transportation.

Amendment: 30 Lanane

Presiding: President

YEAS - 16

NAYS - 33

EXCUSED - 1

FAILED**YEAS - 16**

Bowser	Howard	Lutz	Sipes
Breaux	Hume	Mrvan	Skinner
Broden	Lanane	Rogers	Tallian
Craycraft	Lewis	Simpson	Young, R.

NAYS - 33

Alting	Harrison	Lubbers	Waltz
Becker	Heinold	Meeks, R.	Waterman
Bray	Hershman	Merritt	Weatherwax
Delph	Jackman	Miller	Wyss
Dillon	Kenley	Mishler	Young, M
Drozda	Kruse	Nugent	Zakas
Ford	Landske	Paul	
Gard	Lawson	Riegsecker	
Garton	Long	Steele	

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 260

Date: 03/01/2006
Time: 5:59:26 PM**HB 1008**

R. Meeks

2nd Reading

Public-private agreements for transportation.

Amendment: 16 Broden

Presiding: President

YEAS - 16

NAYS - 33

EXCUSED - 1

FAILED**YEAS - 16**

Bowser	Howard	Lutz	Sipes
Breaux	Hume	Mrvan	Skinner
Broden	Lanane	Rogers	Tallian
Craycraft	Lewis	Simpson	Young, R.

NAYS - 33

Alting	Harrison	Lubbers	Waltz
Becker	Heinold	Meeks, R.	Waterman
Bray	Hershman	Merritt	Weatherwax
Delph	Jackman	Miller	Wyss
Dillon	Kenley	Mishler	Young, M
Drozda	Kruse	Nugent	Zakas
Ford	Landske	Paul	
Gard	Lawson	Riegsecker	
Garton	Long	Steele	

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 261

Date: 03/01/2006
Time: 6:04:26 PM**HB 1008**

R. Meeks

2nd Reading

Public-private agreements for transportation.

Amendment: 18 Rogers

Presiding: President

YEAS - 18

NAYS - 31

EXCUSED - 1

FAILED**YEAS - 18**

Bowser	Howard	Lutz	Skinner
Breaux	Hume	Mrvan	Tallian
Broden	Lanane	Rogers	Young, R.
Craycraft	Landske	Simpson	
Heinold	Lewis	Sipes	

NAYS - 31

Alting	Garton	Lubbers	Steele
Becker	Harrison	Meeks, R.	Waltz
Bray	Hershman	Merritt	Waterman
Delph	Jackman	Miller	Weatherwax
Dillon	Kenley	Mishler	Wyss
Drozda	Kruse	Nugent	Young, M
Ford	Lawson	Paul	Zakas
Gard	Long	Riegsecker	

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 262

Date: 03/01/2006
Time: 6:15:16 PM**HB 1008**

R. Meeks

2nd Reading

Public-private agreements for transportation.

Amendment: 8 Tallian

Presiding: President

YEAS - 16

NAYS - 33

EXCUSED - 1

FAILED**YEAS - 16**

Bowser	Howard	Lutz	Sipes
Breaux	Hume	Mrvan	Skinner
Broden	Lanane	Rogers	Tallian
Craycraft	Lewis	Simpson	Young, R.

NAYS - 33

Alting	Harrison	Lubbers	Waltz
Becker	Heinold	Meeks, R.	Waterman
Bray	Hershman	Merritt	Weatherwax
Delph	Jackman	Miller	Wyss
Dillon	Kenley	Mishler	Young, M
Drozda	Kruse	Nugent	Zakas
Ford	Landske	Paul	
Gard	Lawson	Riegsecker	
Garton	Long	Steele	

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 263

Date: 03/01/2006
Time: 6:28:11 PM**HB 1008**

R. Meeks

2nd Reading

Public-private agreements for transportation.

Amendment: 22 Rogers

Presiding: President

YEAS - 16**NAYS - 33****EXCUSED - 1****FAILED****YEAS - 16**Bowser
Breux
Broden
Craycraft
Howard
Hume
Lanane
LewisLutz
Mrvan
Rogers
SimpsonSipes
Skinner
Tallian
Young, R.**NAYS - 33**Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton
Harrison
Heinold
Hershman
Jackman
Kenley
Kruise
Landske
Lawson
LongLubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul
Riegsecker
SteeleWaltz
Waterman
Weatherwax
Wyss
Young, M
Zakas**EXCUSED - 1**

Smith

INDIANA STATE SENATE

Roll Call Number: 264

Date: 03/01/2006
Time: 6:31:57 PM**HB 1008**

R. Meeks

2nd Reading

Public-private agreements for transportation.

Amendment: 11 Young R

Presiding: President

YEAS - 16**NAYS - 33****EXCUSED - 1****FAILED****YEAS - 16**Bowser
Breux
Broden
Craycraft
Howard
Hume
Lanane
LewisLutz
Mrvan
Rogers
SimpsonSipes
Skinner
Tallian
Young, R.**NAYS - 33**Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton
Harrison
Heinold
Hershman
Jackman
Kenley
Kruise
Landske
Lawson
LongLubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul
Riegsecker
SteeleWaltz
Waterman
Weatherwax
Wyss
Young, M
Zakas**EXCUSED - 1**

Smith

INDIANA STATE SENATE

Roll Call Number: 265

Date: 03/01/2006
Time: 6:44:30 PM**HB 1008**

R. Meeks

2nd Reading

Public-private agreements for transportation.

Amendment: 28 Lanane

Presiding: President

YEAS - 16**NAYS - 33****EXCUSED - 1****FAILED****YEAS - 16**Bowser
Breux
Broden
Craycraft
Howard
Hume
Lanane
LewisLutz
Mrvan
Rogers
SimpsonSipes
Skinner
Tallian
Young, R.**NAYS - 33**Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton
Harrison
Heinold
Hershman
Jackman
Kenley
Kruise
Landske
Lawson
LongLubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul
Riegsecker
SteeleWaltz
Waterman
Weatherwax
Wyss
Young, M
Zakas**EXCUSED - 1**

Smith

INDIANA STATE SENATE

Roll Call Number: 266

Date: 03/01/2006
Time: 6:50:51 PM**HB 1008**

R. Meeks

2nd Reading

Public-private agreements for transportation.

Amendment: 12 Bowser

Presiding: President

YEAS - 15**NAYS - 33****NOT VOTING - 1****EXCUSED - 1****FAILED****YEAS - 15**Bowser
Breux
Broden
Craycraft
Howard
Hume
Lanane
LewisMrvan
Rogers
Simpson
SipesSkinner
Tallian
Young, R.**NAYS - 33**Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton
Harrison
Heinold
Hershman
Jackman
Kenley
Kruise
Landske
Lawson
LongLubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul
Riegsecker
SteeleWaltz
Waterman
Weatherwax
Wyss
Young, M
Zakas**NOT VOTING - 1**

Lutz

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 267

Date: 03/01/2006
Time: 6:56:07 PM**HB 1008**R. Meeks
2nd Reading

Public-private agreements for transportation.

Amendment: 17 Mrvan

Presiding: President

YEAS - 16 NAYS - 33 EXCUSED - 1**FAILED****YEAS - 16**Bowser
Breaux
Brodén
CraycraftHoward
Hume
Lanane
LewisLutz
Mrvan
Rogers
SimpsonSipes
Skinner
Tallian
Young, R.**NAYS - 33**Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard
GartonHarrison
Heinold
Hershman
Jackman
Kenley
Kruise
Landske
Lawson
LongLubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul
Riegsecker
SteeleWaltz
Waterman
Weatherwax
Wyss
Young, M
Zakas**EXCUSED - 1**

Smith

INDIANA STATE SENATE

Roll Call Number: 275

Date: 03/01/2006
Time: 9:52:22 PM**HB 1138**Weatherwax
3rd Reading

Hunting and lifetime license trust fund.

Presiding: President

YEAS - 49 NAYS - 0 EXCUSED - 1**PASSED****YEAS - 49**Alting
Becker
Bowser
Bray
Breaux
Brodén
Craycraft
Delph
Dillon
Drozda
Ford
Gard
GartonHarrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruise
Lanane
Landske
Lawson
Lewis
LongLubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
SipesSkinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas**NAYS - 0****EXCUSED - 1**

Smith

INDIANA STATE SENATE

Roll Call Number: 282

Date: 03/02/2006
Time: 3:09:35 PM**HB 1101**Hershman
3rd Reading

Security breach disclosure and identity deception.

Presiding: President

YEAS - 49 NAYS - 0 EXCUSED - 1**PASSED****YEAS - 49**Alting
Becker
Bowser
Bray
Breaux
Brodén
Craycraft
Delph
Dillon
Drozda
Ford
Gard
GartonHarrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruise
Lanane
Landske
Lawson
Lewis
LongLubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
SipesSkinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas**NAYS - 0****EXCUSED - 1**

Smith

INDIANA STATE SENATE

Roll Call Number: 287

Date: 03/02/2006
Time: 3:34:46 PM**HB 1156**Bray
3rd Reading

Various provisions concerning courts.

Presiding: President

YEAS - 49 NAYS - 0 EXCUSED - 1**PASSED****YEAS - 49**Alting
Becker
Bowser
Bray
Breaux
Brodén
Craycraft
Delph
Dillon
Drozda
Ford
Gard
GartonHarrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruise
Lanane
Landske
Lawson
Lewis
LongLubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
SipesSkinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas**NAYS - 0****EXCUSED - 1**

Smith

INDIANA STATE SENATE

Roll Call Number: 288

Date: 03/02/2006
Time: 3:42:36 PM**HB 1158**Bray
3rd Reading
Small claims, civil actions, and sheriff's fees.

Presiding: President

YEAS - 43 NAYS - 6 EXCUSED - 1**PASSED****YEAS - 43**

Alting	Harrison	Lubbers	Sipes
Bowser	Heinold	Lutz	Skinner
Bray	Hershman	Meeks, R.	Steele
Breaux	Howard	Merritt	Waltz
Broden	Hume	Miller	Waterman
Delph	Jackman	Mishler	Weatherwax
Dillon	Kenley	Mrvan	Wyss
Drozda	Kruse	Nugent	Young, M
Ford	Landske	Paul	Young, R.
Gard	Lawson	Riegsecker	Zakas
Garton	Long	Simpson	

NAYS - 6

Becker	Lanane	Rogers
Craycraft	Lewis	Tallian

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 289

Date: 03/02/2006
Time: 3:44:30 PM**HB 1172**Miller
3rd Reading
Written information before an abortion.

Presiding: President

YEAS - 48 NAYS - 1 EXCUSED - 1**PASSED****YEAS - 48**

Alting	Harrison	Long	Simpson
Becker	Heinold	Lubbers	Sipes
Bray	Hershman	Lutz	Skinner
Breaux	Howard	Meeks, R.	Steele
Broden	Hume	Merritt	Tallian
Craycraft	Jackman	Miller	Waltz
Delph	Kenley	Mishler	Waterman
Dillon	Kruse	Mrvan	Weatherwax
Drozda	Lanane	Nugent	Wyss
Ford	Landske	Paul	Young, M
Gard	Lawson	Riegsecker	Young, R.
Garton	Lewis	Rogers	Zakas

NAYS - 1

Bowser

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 296

Date: 03/02/2006
Time: 4:22:08 PM**HB 1239**Long
3rd Reading
Preexisting conditions.

Presiding: President

YEAS - 49 NAYS - 0 EXCUSED - 1**PASSED****YEAS - 49**

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Meeks, R.	Tallian
Bray	Howard	Merritt	Waltz
Breaux	Hume	Miller	Waterman
Broden	Jackman	Mishler	Weatherwax
Craycraft	Kenley	Mrvan	Wyss
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0**EXCUSED - 1**

Smith

INDIANA STATE SENATE

Roll Call Number: 297

Date: 03/02/2006
Time: 4:27:11 PM**SB 5**Steele
Concurrences Eligible for Action
Disorderly conduct at funerals and intimidation.

Presiding: President

YEAS - 48 NAYS - 1 EXCUSED - 1**PREVAILED****YEAS - 48**

Alting	Harrison	Long	Simpson
Becker	Heinold	Lubbers	Sipes
Bowser	Hershman	Lutz	Skinner
Bray	Howard	Meeks, R.	Steele
Broden	Hume	Merritt	Tallian
Craycraft	Jackman	Miller	Waltz
Delph	Kenley	Mishler	Waterman
Dillon	Kruse	Mrvan	Weatherwax
Drozda	Lanane	Nugent	Wyss
Ford	Landske	Paul	Young, M
Gard	Lawson	Riegsecker	Young, R.
Garton	Lewis	Rogers	Zakas

NAYS - 1

Breaux

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 298

Date: 03/02/2006
Time: 4:29:26 PM

HB 1257

Waltz
3rd Reading
Postsecondary proprietary education.

Presiding: President

YEAS - 49 NAYS - 0 EXCUSED - 1

PASSED

YEAS - 49

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Meeks, R.	Tallian
Bray	Howard	Merritt	Waltz
Breaux	Hume	Miller	Waterman
Broden	Jackman	Mishler	Weatherwax
Craycraft	Kenley	Mrvan	Wyss
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 300

Date: 03/02/2006
Time: 4:34:51 PM

HB 1261

Lubbers
3rd Reading
Housing and community development authority.

Presiding: President

YEAS - 49 NAYS - 0 EXCUSED - 1

PASSED

YEAS - 49

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Meeks, R.	Tallian
Bray	Howard	Merritt	Waltz
Breaux	Hume	Miller	Waterman
Broden	Jackman	Mishler	Weatherwax
Craycraft	Kenley	Mrvan	Wyss
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 301

Date: 03/02/2006
Time: 4:37:23 PM

HB 1281

Lubbers
3rd Reading
Domestic violence.

Presiding: President

YEAS - 49 NAYS - 0 EXCUSED - 1

PASSED

YEAS - 49

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Meeks, R.	Tallian
Bray	Howard	Merritt	Waltz
Breaux	Hume	Miller	Waterman
Broden	Jackman	Mishler	Weatherwax
Craycraft	Kenley	Mrvan	Wyss
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 304

Date: 03/02/2006
Time: 4:51:19 PM

HB 1314

Lawson
3rd Reading
Substance and alcohol use during pregnancy.

Presiding: President

YEAS - 49 NAYS - 0 EXCUSED - 1

PASSED

YEAS - 49

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Meeks, R.	Tallian
Bray	Howard	Merritt	Waltz
Breaux	Hume	Miller	Waterman
Broden	Jackman	Mishler	Weatherwax
Craycraft	Kenley	Mrvan	Wyss
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 314

Date: 03/06/2006
Time: 3:03:13 PM**SB 11**Drozda
Concurrences Eligible for Action
Various securities matters.

Presiding: President

YEAS - 48 NAYS - 0 NOT VOTING - 2**PREVAILED****YEAS - 48**

Alting	Garton	Long	Sipes
Becker	Harrison	Lubbers	Skinner
Bowser	Heinold	Meeks, R.	Smith
Bray	Hershman	Merritt	Steele
Breaux	Howard	Miller	Tallian
Broden	Hume	Mishler	Waltz
Craycraft	Jackman	Mrvan	Waterman
Delph	Kruse	Nugent	Weatherwax
Dillon	Lanane	Paul	Wyss
Drozda	Landske	Riegsecker	Young, M
Ford	Lawson	Rogers	Young, R.
Gard	Lewis	Simpson	Zakas

NAYS - 0**NOT VOTING - 2**

Kenley Lutz

INDIANA STATE SENATE

Roll Call Number: 319

Date: 03/06/2006
Time: 3:19:47 PM**SB 71**Ford
Concurrences Eligible for Action
Drainage assessments and storm water.

Presiding: President

YEAS - 37 NAYS - 13**PREVAILED****YEAS - 37**

Alting	Heinold	Lutz	Steele
Becker	Hershman	Meeks, R.	Waltz
Bray	Jackman	Merritt	Waterman
Delph	Kenley	Miller	Weatherwax
Dillon	Kruse	Mishler	Wyss
Drozda	Landske	Nugent	Young, M
Ford	Lawson	Paul	Zakas
Gard	Lewis	Riegsecker	
Garton	Long	Simpson	
Harrison	Lubbers	Sipes	

NAYS - 13

Bowser	Howard	Rogers	Young, R.
Breaux	Hume	Skinner	
Broden	Lanane	Smith	
Craycraft	Mrvan	Tallian	

INDIANA STATE SENATE

Roll Call Number: 321

Date: 03/06/2006
Time: 3:23:51 PM**SB 111**Becker
Concurrences Eligible for Action
Student nutrition and physical activity.

Presiding: President

YEAS - 42 NAYS - 8**PREVAILED****YEAS - 42**

Alting	Garton	Merritt	Steele
Becker	Howard	Miller	Tallian
Bowser	Jackman	Mishler	Waltz
Bray	Kruse	Mrvan	Waterman
Breaux	Lanane	Nugent	Weatherwax
Broden	Landske	Paul	Wyss
Craycraft	Lawson	Riegsecker	Young, M
Delph	Lewis	Rogers	Young, R.
Dillon	Long	Simpson	Zakas
Ford	Lubbers	Sipes	
Gard	Lutz	Smith	

NAYS - 8

Drozda	Heinold	Hume	Meeks, R.
Harrison	Hershman	Kenley	Skinner

INDIANA STATE SENATE

Roll Call Number: 322

Date: 03/06/2006
Time: 3:33:30 PM**SB 114**Zakas
Concurrences Eligible for Action
Probate and trust matters.

Presiding: Garton

YEAS - 49 NAYS - 0 NOT VOTING - 1**PREVAILED****YEAS - 49**

Alting	Harrison	Lubbers	Smith
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Merritt	Tallian
Bray	Howard	Miller	Waltz
Breaux	Hume	Mishler	Waterman
Broden	Jackman	Mrvan	Weatherwax
Craycraft	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Young, M
Dillon	Lanane	Riegsecker	Young, R.
Drozda	Landske	Rogers	Zakas
Ford	Lawson	Simpson	
Gard	Lewis	Sipes	
Garton	Long	Skinner	

NAYS - 0**NOT VOTING - 1**

Meeks, R.

INDIANA STATE SENATE

Roll Call Number: 324

Date: 03/06/2006
Time: 3:36:46 PM**SB 160**Wyss
Concurrences Eligible for Action
Witnesses at an execution.

Presiding: Garton

YEAS - 38 NAYS - 11 NOT VOTING - 1**PREVAILED****YEAS - 38**

Alting	Heinold	Lutz	Smith
Becker	Hershman	Merritt	Steele
Bray	Jackman	Miller	Waltz
Breaux	Kenley	Mishler	Waterman
Craycraft	Kruse	Mrvan	Weatherwax
Delph	Landske	Nugent	Wyss
Ford	Lawson	Paul	Young, M
Gard	Lewis	Riegsecker	Zakas
Garton	Long	Rogers	
Harrison	Lubbers	Sipes	

NAYS - 11

Bowser	Drozda	Lanane	Tallian
Broden	Howard	Simpson	Young, R.
Dillon	Hume	Skinner	

NOT VOTING - 1

Meeks, R.

INDIANA STATE SENATE

Roll Call Number: 325

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Date: 03/06/2006
Time: 3:39:20 PM**SB 206**Drozda
Concurrences Eligible for Action
Public safety disability pensions.

Presiding: Garton

YEAS - 49 NAYS - 0 NOT VOTING - 1**PREVAILED****YEAS - 49**

Alting	Harrison	Lubbers	Smith
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Merritt	Tallian
Bray	Howard	Miller	Waltz
Breaux	Hume	Mishler	Waterman
Broden	Jackman	Mrvan	Weatherwax
Craycraft	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Young, M
Dillon	Lanane	Riegsecker	Zakas
Drozda	Landske	Rogers	
Ford	Lawson	Simpson	
Gard	Lewis	Sipes	
Garton	Long	Skinner	

NAYS - 0**NOT VOTING - 1**

Meeks, R.

INDIANA STATE SENATE

Roll Call Number: 326

Date: 03/06/2006
Time: 3:41:06 PM**SB 234**Gard
Concurrences Eligible for Action
Environmental rules and enforcement.

Presiding: Garton

YEAS - 49 NAYS - 0 NOT VOTING - 1**PREVAILED****YEAS - 49**

Alting	Harrison	Lubbers	Smith
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Merritt	Tallian
Bray	Howard	Miller	Waltz
Breaux	Hume	Mishler	Waterman
Broden	Jackman	Mrvan	Weatherwax
Craycraft	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Young, M
Dillon	Lanane	Riegsecker	Young, R.
Drozda	Landske	Rogers	Zakas
Ford	Lawson	Simpson	
Gard	Lewis	Sipes	
Garton	Long	Skinner	

NAYS - 0**NOT VOTING - 1**

Meeks, R.

INDIANA STATE SENATE

Roll Call Number: 327

Date: 03/06/2006
Time: 3:42:50 PM**SB 264**Weatherwax
Concurrences Eligible for Action
Offsite vehicle sales.

Presiding: Garton

YEAS - 49 NAYS - 0 NOT VOTING - 1**PREVAILED****YEAS - 49**

Alting	Harrison	Lubbers	Smith
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Merritt	Tallian
Bray	Howard	Miller	Waltz
Breaux	Hume	Mishler	Waterman
Broden	Jackman	Mrvan	Weatherwax
Craycraft	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Young, M
Dillon	Lanane	Riegsecker	Young, R.
Drozda	Landske	Rogers	Zakas
Ford	Lawson	Simpson	
Gard	Lewis	Sipes	
Garton	Long	Skinner	

NAYS - 0**NOT VOTING - 1**

Meeks, R.

INDIANA STATE SENATE

Roll Call Number: 328

Date: 03/06/2006
Time: 3:45:12 PM**SB 283**

R. Young

Concurrences Eligible for Action
Emergency telephone notification system.

Presiding: Garton

YEAS - 49 NAYS - 0 NOT VOTING - 1**PREVAILED****YEAS - 49**

Alting	Harrison	Lubbers	Smith
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Merritt	Tallian
Bray	Howard	Miller	Waltz
Breaux	Hume	Mishler	Waterman
Broden	Jackman	Mrvan	Weatherwax
Craycraft	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Young, M
Dillon	Lanane	Riegsecker	Young, R.
Drozda	Landske	Rogers	Zakas
Ford	Lawson	Simpson	
Gard	Lewis	Sipes	
Garton	Long	Skinner	

NAYS - 0**NOT VOTING - 1**

Meeks, R.

INDIANA STATE SENATE

Roll Call Number: 329

Date: 03/06/2006
Time: 3:46:47 PM**SB 310**

Alting

Concurrences Eligible for Action
Alternate methods for earning high school credits.

Presiding: Garton

YEAS - 49 NAYS - 0 NOT VOTING - 1**PREVAILED****YEAS - 49**

Alting	Harrison	Lubbers	Smith
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Merritt	Tallian
Bray	Howard	Miller	Waltz
Breaux	Hume	Mishler	Waterman
Broden	Jackman	Mrvan	Weatherwax
Craycraft	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Young, M
Dillon	Lanane	Riegsecker	Young, R.
Drozda	Landske	Rogers	Zakas
Ford	Lawson	Simpson	
Gard	Lewis	Sipes	
Garton	Long	Skinner	

NAYS - 0**NOT VOTING - 1**

Meeks, R.

INDIANA STATE SENATE

Roll Call Number: 331

Date: 03/06/2006
Time: 3:57:03 PM**SB 354**

Weatherwax

Concurrences Eligible for Action
Forestry issues.

Presiding: Garton

YEAS - 46 NAYS - 3 NOT VOTING - 1**PREVAILED****YEAS - 46**

Alting	Garton	Long	Skinner
Becker	Harrison	Lubbers	Smith
Bowser	Heinold	Lutz	Steele
Bray	Hershman	Merritt	Waltz
Breaux	Howard	Miller	Waterman
Broden	Hume	Mishler	Weatherwax
Craycraft	Jackman	Mrvan	Wyss
Delph	Kenley	Nugent	Young, M
Dillon	Kruse	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Sipes	

NAYS - 3

Lanane	Simpson	Tallian
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NOT VOTING - 1

Meeks, R.

INDIANA STATE SENATE

Roll Call Number: 335

Date: 03/08/2006
Time: 2:13:11 PM**SB 22**

Gard

Concurrences Eligible for Action
Pipeline safety.

Presiding: Garton

YEAS - 48 NAYS - 0 EXCUSED - 2**PREVAILED****YEAS - 48**

Alting	Garton	Lewis	Rogers
Becker	Harrison	Long	Sipes
Bowser	Heinold	Lubbers	Skinner
Bray	Hershman	Lutz	Smith
Breaux	Howard	Meeks, R.	Steele
Broden	Hume	Merritt	Tallian
Craycraft	Jackman	Miller	Waltz
Delph	Kenley	Mishler	Waterman
Dillon	Kruse	Mrvan	Weatherwax
Drozda	Lanane	Nugent	Wyss
Ford	Landske	Paul	Young, M
Gard	Lawson	Riegsecker	Zakas

NAYS - 0**EXCUSED - 2**

Simpson	Young, R.
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INDIANA STATE SENATE

Roll Call Number: 336

Date: 03/08/2006
Time: 2:15:43 PM**SB 42**Miller
Concurrences Eligible for Action
FSSA evaluation survey.

Presiding: Garton

YEAS - 38 NAYS - 10 EXCUSED - 2**PREVAILED****YEAS - 38**

Alting	Garton	Long	Sipes
Becker	Heinold	Lubbers	Skinner
Bowser	Hershman	Lutz	Smith
Bray	Howard	Merritt	Steele
Breaux	Hume	Miller	Tallian
Broden	Kruse	Mishler	Wyss
Craycraft	Lanane	Mrvan	Young, M
Dillon	Landske	Paul	Zakas
Ford	Lawson	Riegsecker	
Gard	Lewis	Rogers	

NAYS - 10

Delph	Jackman	Nugent	Weatherwax
Drozda	Kenley	Waltz	
Harrison	Meeks, R.	Waterman	

EXCUSED - 2

Simpson	Young, R.
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INDIANA STATE SENATE

Roll Call Number: 337

Date: 03/08/2006
Time: 2:17:53 PM**SB 84**Long
Concurrences Eligible for Action
Reentry courts.

Presiding: Garton

YEAS - 48 NAYS - 0 EXCUSED - 2**PREVAILED****YEAS - 48**

Alting	Garton	Lewis	Rogers
Becker	Harrison	Long	Sipes
Bowser	Heinold	Lubbers	Skinner
Bray	Hershman	Lutz	Smith
Breaux	Howard	Meeks, R.	Steele
Broden	Hume	Merritt	Tallian
Craycraft	Jackman	Miller	Waltz
Delph	Kenley	Mishler	Waterman
Dillon	Kruse	Mrvan	Weatherwax
Drozda	Lanane	Nugent	Wyss
Ford	Landske	Paul	Young, M
Gard	Lawson	Riegsecker	Zakas

NAYS - 0**EXCUSED - 2**

Simpson	Young, R.
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INDIANA STATE SENATE

Roll Call Number: 338

Date: 03/08/2006
Time: 2:21:11 PM**SB 132**Lawson
Concurrences Eligible for Action
Correction of 2005 child services legislation.

Presiding: Garton

YEAS - 48 NAYS - 0 EXCUSED - 2**PREVAILED****YEAS - 48**

Alting	Garton	Lewis	Rogers
Becker	Harrison	Long	Sipes
Bowser	Heinold	Lubbers	Skinner
Bray	Hershman	Lutz	Smith
Breaux	Howard	Meeks, R.	Steele
Broden	Hume	Merritt	Tallian
Craycraft	Jackman	Miller	Waltz
Delph	Kenley	Mishler	Waterman
Dillon	Kruse	Mrvan	Weatherwax
Drozda	Lanane	Nugent	Wyss
Ford	Landske	Paul	Young, M
Gard	Lawson	Riegsecker	Zakas

NAYS - 0**EXCUSED - 2**

Simpson	Young, R.
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INDIANA STATE SENATE

Roll Call Number: 339

Date: 03/08/2006
Time: 2:26:26 PM**SB 145**M. Young
Concurrences Eligible for Action
Vehicle forfeiture and driving while intoxicated.

Presiding: Bray

YEAS - 38 NAYS - 10 EXCUSED - 2**PREVAILED****YEAS - 38**

Alting	Heinold	Meeks, R.	Steele
Becker	Hershman	Merritt	Tallian
Bowser	Howard	Müller	Waltz
Bray	Jackman	Mishler	Waterman
Broden	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Drozda	Landske	Paul	Young, M
Ford	Lawson	Riegsecker	Zakas
Gard	Long	Sipes	
Garton	Lubbers	Smith	

NAYS - 10

Breaux	Harrison	Lewis	Skinner
Craycraft	Hume	Lutz	
Dillon	Lanane	Rogers	

EXCUSED - 2

Simpson	Young, R.
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INDIANA STATE SENATE

Roll Call Number: 340

Date: 03/08/2006
Time: 2:29:28 PM**SB 153**Lawson
Concurrences Eligible for Action
State central collection unit and child support.

Presiding: Bray

YEAS - 40 NAYS - 8 EXCUSED - 2**PREVAILED****YEAS - 40**

Alting	Garton	Long	Riegsecker
Becker	Harrison	Lubbers	Rogers
Bowser	Heinold	Lutz	Sipes
Bray	Hershman	Meeks, R.	Smith
Breaux	Howard	Merritt	Steele
Broden	Jackman	Miller	Waltz
Delph	Kenley	Mishler	Weatherwax
Dillon	Kruse	Mrvan	Wyss
Drozda	Landske	Nugent	Young, M
Gard	Lawson	Paul	Zakas

NAYS - 8

Craycraft	Hume	Lewis	Tallian
Ford	Lanane	Skinner	Waterman

EXCUSED - 2

Simpson	Young, R.
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INDIANA STATE SENATE

Roll Call Number: 341

Date: 03/08/2006
Time: 2:33:38 PM**SB 157**Lewis
Concurrences Eligible for Action
Natural resources advisory councils.

Presiding: Bray

YEAS - 48 NAYS - 0 EXCUSED - 2**PREVAILED****YEAS - 48**

Alting	Garton	Lewis	Rogers
Becker	Harrison	Long	Sipes
Bowser	Heinold	Lubbers	Skinner
Bray	Hershman	Lutz	Smith
Breaux	Howard	Meeks, R.	Steele
Broden	Hume	Merritt	Tallian
Craycraft	Jackman	Miller	Waltz
Delph	Kenley	Mishler	Waterman
Dillon	Kruse	Mrvan	Weatherwax
Drozda	Lanane	Nugent	Wyss
Ford	Landske	Paul	Young, M
Gard	Lawson	Riegsecker	Zakas

NAYS - 0**EXCUSED - 2**

Simpson	Young, R.
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INDIANA STATE SENATE

Roll Call Number: 342

Date: 03/08/2006
Time: 2:36:19 PM**SB 161**Miller
Concurrences Eligible for Action
Moratorium on comprehensive care beds.

Presiding: Bray

YEAS - 45 NAYS - 3 EXCUSED - 2**PREVAILED****YEAS - 45**

Alting	Harrison	Long	Skinner
Becker	Heinold	Lubbers	Smith
Bowser	Hershman	Lutz	Steele
Bray	Howard	Meeks, R.	Tallian
Breaux	Hume	Merritt	Waltz
Broden	Jackman	Miller	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Zakas
Ford	Landske	Riegsecker	
Gard	Lawson	Rogers	
Garton	Lewis	Sipes	

NAYS - 3

Drozda	Mishler	Young, M
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EXCUSED - 2

Simpson	Young, R.
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INDIANA STATE SENATE

Roll Call Number: 343

Date: 03/08/2006
Time: 2:38:23 PM**SB 231**Alting
Concurrences Eligible for Action
Academic honors diploma grants.

Presiding: Bray

YEAS - 45 NAYS - 3 EXCUSED - 2**PREVAILED****YEAS - 45**

Alting	Garton	Long	Skinner
Becker	Harrison	Lubbers	Smith
Bowser	Heinold	Lutz	Steele
Bray	Hershman	Merritt	Tallian
Breaux	Howard	Miller	Waltz
Broden	Hume	Mishler	Waterman
Craycraft	Jackman	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	
Ford	Lawson	Rogers	
Gard	Lewis	Sipes	

NAYS - 3

Kenley	Meeks, R.	Zakas
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EXCUSED - 2

Simpson	Young, R.
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INDIANA STATE SENATE

Roll Call Number: 344

Date: 03/08/2006
Time: 2:44:24 PM**SB 247**Wyss
Concurrences Eligible for Action
Various homeland security matters.

Presiding: Bray

YEAS - 47 NAYS - 1 EXCUSED - 2
PREVAILED**YEAS - 47**

Alting	Garton	Long	Sipes
Becker	Harrison	Lubbers	Skinner
Bowser	Heinold	Lutz	Smith
Bray	Hershman	Meeks, R.	Steele
Breaux	Howard	Merritt	Tallian
Broden	Jackman	Miller	Waltz
Craycraft	Kenley	Mishler	Waterman
Delph	Kruse	Mrvan	Weatherwax
Dillon	Lanane	Nugent	Wyss
Drozda	Landske	Paul	Young, M
Ford	Lawson	Riegsecker	Zakas
Gard	Lewis	Rogers	

NAYS - 1

Hume

EXCUSED - 2

Simpson Young, R.

INDIANA STATE SENATE

Roll Call Number: 345

Date: 03/08/2006
Time: 2:46:31 PM**SB 269**Miller
Concurrences Eligible for Action
License plates.

Presiding: Bray

YEAS - 48 NAYS - 0 EXCUSED - 2
PREVAILED**YEAS - 48**

Alting	Garton	Lewis	Rogers
Becker	Harrison	Long	Sipes
Bowser	Heinold	Lubbers	Skinner
Bray	Hershman	Lutz	Smith
Breaux	Howard	Meeks, R.	Steele
Broden	Hume	Merritt	Tallian
Craycraft	Jackman	Miller	Waltz
Delph	Kenley	Mishler	Waterman
Dillon	Kruse	Mrvan	Weatherwax
Drozda	Lanane	Nugent	Wyss
Ford	Landske	Paul	Young, M
Gard	Lawson	Riegsecker	Zakas

NAYS - 0**EXCUSED - 2**

Simpson Young, R.

INDIANA STATE SENATE

Roll Call Number: 346

Date: 03/08/2006
Time: 2:49:40 PM**SB 296**Kenley
Concurrences Eligible for Action
Punitive damages.

Presiding: Bray

YEAS - 48 NAYS - 0 EXCUSED - 2
PREVAILED**YEAS - 48**

Alting	Garton	Lewis	Rogers
Becker	Harrison	Long	Sipes
Bowser	Heinold	Lubbers	Skinner
Bray	Hershman	Lutz	Smith
Breaux	Howard	Meeks, R.	Steele
Broden	Hume	Merritt	Tallian
Craycraft	Jackman	Miller	Waltz
Delph	Kenley	Mishler	Waterman
Dillon	Kruse	Mrvan	Weatherwax
Drozda	Lanane	Nugent	Wyss
Ford	Landske	Paul	Young, M
Gard	Lawson	Riegsecker	Zakas

NAYS - 0**EXCUSED - 2**

Simpson Young, R.

INDIANA STATE SENATE

Roll Call Number: 347

Date: 03/08/2006
Time: 2:52:18 PM**SB 297**Hershman
Concurrences Eligible for Action
Penalty for false information given to the BMV.

Presiding: Bray

YEAS - 45 NAYS - 2 NOT VOTING - 1 EXCUSED - 2
PREVAILED**YEAS - 45**

Alting	Harrison	Lubbers	Smith
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Meeks, R.	Tallian
Bray	Howard	Merritt	Waltz
Broden	Hume	Miller	Waterman
Craycraft	Jackman	Mishler	Weatherwax
Delph	Kruse	Mrvan	Wyss
Dillon	Lanane	Nugent	Young, M
Drozda	Landske	Paul	Zakas
Ford	Lawson	Riegsecker	
Gard	Lewis	Sipes	
Garton	Long	Skinner	

NAYS - 2

Breaux Rogers

NOT VOTING - 1

Kenley

EXCUSED - 2

Simpson Young, R.

INDIANA STATE SENATE

Roll Call Number: 348

Date: 03/08/2006
Time: 2:55:44 PM**SB 362**Ford
Concurrences Eligible for Action
Collection of delinquent taxes.

Presiding: Bray

YEAS - 46 NAYS - 0 NOT VOTING - 2 EXCUSED - 2

PREVAILED**YEAS - 46**

Alting	Garton	Lubbers	Skinner
Becker	Harrison	Lutz	Smith
Bowser	Heinold	Meeks, R.	Steele
Bray	Hershman	Merritt	Tallian
Breaux	Howard	Miller	Waltz
Broden	Hume	Mishler	Waterman
Craycraft	Jackman	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Long	Sipes	

NAYS - 0**NOT VOTING - 2**

Kenley Lewis

EXCUSED - 2

Simpson Young, R.

INDIANA STATE SENATE

Roll Call Number: 351

Date: 03/08/2006
Time: 3:12:09 PM**SB 300**Long
Concurrences Eligible for Action
Victim's compensation fund.

Presiding: Bray

YEAS - 46 NAYS - 0 NOT VOTING - 2 EXCUSED - 2

PREVAILED**YEAS - 46**

Alting	Heinold	Lubbers	Skinner
Becker	Hershman	Lutz	Smith
Bowser	Howard	Meeks, R.	Steele
Bray	Hume	Merritt	Tallian
Craycraft	Jackman	Miller	Waltz
Delph	Kenley	Mishler	Waterman
Dillon	Kruse	Mrvan	Weatherwax
Drozda	Lanane	Nugent	Wyss
Ford	Landske	Paul	Young, M
Gard	Lawson	Riegsecker	Zakas
Garton	Lewis	Rogers	
Harrison	Long	Sipes	

NAYS - 0**NOT VOTING - 2**

Breaux Broden

EXCUSED - 2

Simpson Young, R.

INDIANA STATE SENATE

Roll Call Number: 353

Date: 03/09/2006
Time: 2:55:38 PM**SB 100**Jackman
Concurrences Eligible for Action
Charity gaming.

Presiding: President

YEAS - 39 NAYS - 9 NOT VOTING - 2

PREVAILED**YEAS - 39**

Alting	Heinold	Lubbers	Smith
Becker	Hershman	Lutz	Steele
Bowser	Howard	Merritt	Tallian
Breaux	Hume	Mishler	Waltz
Broden	Jackman	Mrvan	Waterman
Craycraft	Kenley	Nugent	Weatherwax
Dillon	Lanane	Paul	Wyss
Gard	Landske	Simpson	Young, M
Garton	Lewis	Sipes	Young, R.
Harrison	Long	Skinner	

NAYS - 9

Bray	Ford	Miller
Delph	Kruse	Riegsecker
Drozda	Lawson	Zakas

NOT VOTING - 2

Meeks, R. Rogers

INDIANA STATE SENATE

Roll Call Number: 354

Date: 03/09/2006
Time: 2:59:42 PM**SB 353**Weatherwax
Concurrences Eligible for Action
Alternative fuel use and production.

Presiding: President

YEAS - 48 NAYS - 0 NOT VOTING - 2

PREVAILED**YEAS - 48**

Alting	Garton	Lewis	Sipes
Becker	Harrison	Long	Skinner
Bowser	Heinold	Lubbers	Smith
Bray	Hershman	Lutz	Steele
Breaux	Howard	Merritt	Tallian
Broden	Hume	Miller	Waltz
Craycraft	Jackman	Mishler	Waterman
Delph	Kenley	Mrvan	Weatherwax
Dillon	Kruse	Nugent	Wyss
Drozda	Lanane	Paul	Young, M
Ford	Landske	Riegsecker	Young, R.
Gard	Lawson	Simpson	Zakas

NAYS - 0**NOT VOTING - 2**

Meeks, R. Rogers

INDIANA STATE SENATE

Roll Call Number: 355

Date: 03/09/2006
Time: 3:02:01 PM

SB 369
R. Young
Concurrences Eligible for Action
Drought planning.

Presiding: President

YEAS - 48 NAYS - 0 NOT VOTING - 2

PREVAILED

YEAS - 48

Alting	Garton	Lewis	Sipes
Becker	Harrison	Long	Skinner
Bowser	Heinold	Lubbers	Smith
Bray	Hershman	Lutz	Steele
Breaux	Howard	Merritt	Tallian
Brodén	Hume	Miller	Waltz
Craycraft	Jackman	Mishler	Waterman
Delph	Kenley	Mrvan	Weatherwax
Dillon	Kruse	Nugent	Wyss
Drozda	Lanane	Paul	Young, M
Ford	Landske	Riegsecker	Young, R.
Gard	Lawson	Simpson	Zakas

NAYS - 0

NOT VOTING - 2

Meeks, R. Rogers

INDIANA STATE SENATE

Roll Call Number: 365

Date: 03/13/2006
Time: 7:49:43 PM

HB 1353
Bray
Conference Committees Eligible for Action
Trademarks, service marks, and rights of publicity.

Presiding: President

YEAS - 49 NAYS - 1

ADOPTED

YEAS - 49

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Brodén	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 1

Wyss

INDIANA STATE SENATE

Roll Call Number: 370

Date: 03/13/2006
Time: 8:21:21 PM

SB 112
Riegsecker
Conference Committees Eligible for Action
Transfer of first steps program.

Presiding: President

YEAS - 49 NAYS - 0 NOT VOTING - 1

ADOPTED

YEAS - 49

Alting	Harrison	Lutz	Smith
Becker	Heinold	Meeks, R.	Steele
Bowser	Hershman	Merritt	Tallian
Bray	Howard	Miller	Waltz
Breaux	Hume	Mishler	Waterman
Brodén	Jackman	Mrvan	Weatherwax
Craycraft	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Young, M
Dillon	Lanane	Riegsecker	Young, R.
Drozda	Landske	Rogers	Zakas
Ford	Lawson	Simpson	
Gard	Lewis	Sipes	
Garton	Long	Skinner	

NAYS - 0

NOT VOTING - 1

Lubbers

INDIANA STATE SENATE

Roll Call Number: 373

Date: 03/14/2006
Time: 1:51:03 PM

HB 1010
Bray
Conference Committees Eligible for Action
Eminent domain.

Presiding: President

YEAS - 49 NAYS - 0 NOT VOTING - 1

ADOPTED

YEAS - 49

Alting	Heinold	Lutz	Smith
Becker	Hershman	Meeks, R.	Steele
Bowser	Howard	Merritt	Tallian
Bray	Hume	Miller	Waltz
Breaux	Jackman	Mishler	Waterman
Brodén	Kenley	Mrvan	Weatherwax
Craycraft	Kruse	Nugent	Wyss
Delph	Lanane	Paul	Young, M
Dillon	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	
Harrison	Lubbers	Skinner	

NAYS - 0

NOT VOTING - 1

Drozda

INDIANA STATE SENATE

Roll Call Number: 374

Date: 03/14/2006
Time: 2:44:48 PM**HB 1016**Bray
Conference Committees Eligible for Action
Alcohol and tobacco matters.

Presiding: President

YEAS - 48 NAYS - 2

ADOPTED**YEAS - 48**

Alting	Harrison	Lubbers	Sipes
Becker	Heinold	Lutz	Skinner
Bowser	Hershman	Meeks, R.	Smith
Bray	Howard	Merritt	Steele
Breaux	Hume	Miller	Tallian
Broden	Jackman	Mishler	Waltz
Craycraft	Kenley	Mrvan	Waterman
Dillon	Lanane	Nugent	Weatherwax
Drozda	Landske	Paul	Wyss
Ford	Lawson	Riegsecker	Young, M
Gard	Lewis	Rogers	Young, R.
Garton	Long	Simpson	Zakas

NAYS - 2

Delph	Kruse
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INDIANA STATE SENATE

Roll Call Number: 377

Date: 03/14/2006
Time: 2:52:47 PM**HB 1029**Kenley
Conference Committees Eligible for Action
Education.

Presiding: President

YEAS - 45 NAYS - 5

ADOPTED**YEAS - 45**

Alting	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Breaux	Howard	Merritt	Tallian
Broden	Hume	Miller	Waltz
Craycraft	Kenley	Mishler	Weatherwax
Delph	Kruse	Mrvan	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	
Harrison	Lubbers	Skinner	

NAYS - 5

Becker	Jackman	Waterman
Bray	Nugent	

INDIANA STATE SENATE

Roll Call Number: 378

Date: 03/14/2006
Time: 3:04:59 PM**HB 1099**Weatherwax
Conference Committees Eligible for Action
Fireworks sales, discharge, public safety fees, and
injuries.

Presiding: President

YEAS - 34 NAYS - 16

ADOPTED**YEAS - 34**

Alting	Howard	Mishler	Steele
Bray	Hume	Mrvan	Tallian
Breaux	Jackman	Nugent	Waltz
Craycraft	Kenley	Paul	Waterman
Drozda	Lawson	Riegsecker	Weatherwax
Gard	Lewis	Rogers	Young, M
Harrison	Long	Sipes	Young, R.
Heinold	Lubbers	Skinner	
Hershman	Merritt	Smith	

NAYS - 16

Becker	Dillon	Lanane	Miller
Bowser	Ford	Landske	Simpson
Broden	Garton	Lutz	Wyss
Delph	Kruse	Meeks, R.	Zakas

INDIANA STATE SENATE

Roll Call Number: 381

Date: 03/14/2006
Time: 3:13:43 PM**HB 1155**Long
Conference Committees Eligible for Action
sex offenders.

Presiding: President

YEAS - 49 NAYS - 1

ADOPTED**YEAS - 49**

Alting	Harrison	Lutz	Smith
Becker	Heinold	Meeks, R.	Steele
Bowser	Hershman	Merritt	Tallian
Bray	Howard	Miller	Waltz
Breaux	Hume	Mishler	Waterman
Broden	Jackman	Mrvan	Weatherwax
Craycraft	Kruse	Nugent	Wyss
Delph	Lanane	Paul	Young, M
Dillon	Landske	Riegsecker	Young, R.
Drozda	Lawson	Rogers	Zakas
Ford	Lewis	Simpson	
Gard	Long	Sipes	
Garton	Lubbers	Skinner	

NAYS - 1

Kenley

INDIANA STATE SENATE

Roll Call Number: 388

Date: 03/14/2006
Time: 5:12:52 PM**SB 83**

Lubbers

Conference Committees Eligible for Action
Resisting law enforcement and deadly weapons.

Presiding: President

YEAS - 44 NAYS - 2 NOT VOTING - 4**ADOPTED****YEAS - 44**

Alting	Garton	Long	Rogers
Becker	Harrison	Lubbers	Simpson
Bowser	Heinold	Lutz	Smith
Bray	Hershman	Meeks, R.	Steele
Breaux	Hume	Merritt	Waltz
Broden	Jackman	Miller	Waterman
Craycraft	Kruse	Mishler	Weatherwax
Delph	Lanane	Mrvan	Wyss
Dillon	Landske	Nugent	Young, M
Ford	Lawson	Paul	Young, R.
Gard	Lewis	Riegsecker	Zakas

NAYS - 2

Howard Kenley

NOT VOTING - 4

Drozda Sipes Skinner Tallian

INDIANA STATE SENATE

Roll Call Number: 389

Date: 03/14/2006
Time: 5:18:34 PM**SB 139**

Lawson

Conference Committees Eligible for Action
Department of child services matters.

Presiding: President

YEAS - 47 NAYS - 0 NOT VOTING - 3**ADOPTED****YEAS - 47**

Alting	Harrison	Long	Simpson
Becker	Heinold	Lubbers	Sipes
Bowser	Hershman	Lutz	Smith
Bray	Howard	Meeks, R.	Steele
Breaux	Hume	Merritt	Waltz
Broden	Jackman	Miller	Waterman
Craycraft	Kenley	Mishler	Weatherwax
Delph	Kruse	Mrvan	Wyss
Dillon	Lanane	Nugent	Young, M
Ford	Landske	Paul	Young, R.
Gard	Lawson	Riegsecker	Zakas
Garton	Lewis	Rogers	

NAYS - 0**NOT VOTING - 3**

Drozda Skinner Tallian

INDIANA STATE SENATE

Roll Call Number: 390

Date: 03/14/2006
Time: 5:21:36 PM**SB 168**

Miller

Conference Committees Eligible for Action
Medicaid fraud.

Presiding: President

YEAS - 48 NAYS - 0 NOT VOTING - 2**ADOPTED****YEAS - 48**

Alting	Garton	Lewis	Rogers
Becker	Harrison	Long	Simpson
Bowser	Heinold	Lubbers	Sipes
Bray	Hershman	Lutz	Smith
Breaux	Howard	Meeks, R.	Steele
Broden	Hume	Merritt	Waltz
Craycraft	Jackman	Miller	Waterman
Delph	Kenley	Mishler	Weatherwax
Dillon	Kruse	Mrvan	Wyss
Drozda	Lanane	Nugent	Young, M
Ford	Landske	Paul	Young, R.
Gard	Lawson	Riegsecker	Zakas

NAYS - 0**NOT VOTING - 2**

Skinner Tallian

INDIANA STATE SENATE

Roll Call Number: 392

Date: 03/14/2006
Time: 5:29:07 PM**SB 193**

Bray

Conference Committees Eligible for Action
Controlled substances.

Presiding: President

YEAS - 48 NAYS - 0 NOT VOTING - 2**ADOPTED****YEAS - 48**

Alting	Garton	Lewis	Rogers
Becker	Harrison	Long	Simpson
Bowser	Heinold	Lubbers	Sipes
Bray	Hershman	Lutz	Smith
Breaux	Howard	Meeks, R.	Steele
Broden	Hume	Merritt	Waltz
Craycraft	Jackman	Miller	Waterman
Delph	Kenley	Mishler	Weatherwax
Dillon	Kruse	Mrvan	Wyss
Drozda	Lanane	Nugent	Young, M
Ford	Landske	Paul	Young, R.
Gard	Lawson	Riegsecker	Zakas

NAYS - 0**NOT VOTING - 2**

Skinner Tallian

INDIANA STATE SENATE

• Roll Call Number: 393

Date: 03/14/2006
Time: 5:33:23 PM

SB 253

Weatherwax
Conference Committees Eligible for Action
Activities along shorelines.

Presiding: President

YEAS - 46 NAYS - 2 NOT VOTING - 2

ADOPTED

YEAS - 46

Alting	Garton	Lubbers	Sipes
Becker	Harrison	Lutz	Smith
Bowser	Heinold	Meeks, R.	Steele
Bray	Hershman	Merritt	Waltz
Breaux	Howard	Miller	Waterman
Broden	Hume	Mishler	Weatherwax
Craycraft	Kruse	Mrvan	Wyss
Delph	Lanane	Nugent	Young, M
Dillon	Landske	Paul	Young, R.
Drozda	Lawson	Riegsecker	Zakas
Ford	Lewis	Rogers	
Gard	Long	Simpson	

NAYS - 2

Jackman Kenley

NOT VOTING - 2

Skinner Tallian

INDIANA STATE SENATE

Roll Call Number: 394

Date: 03/14/2006
Time: 5:35:01 PM

SB 258

Kenley
Conference Committees Eligible for Action
Streamlined sales tax provisions.

Presiding: President

YEAS - 49 NAYS - 0 NOT VOTING - 1

ADOPTED

YEAS - 49

Alting	Harrison	Lubbers	Smith
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Meeks, R.	Tallian
Bray	Howard	Merritt	Waltz
Breaux	Hume	Miller	Waterman
Broden	Jackman	Mishler	Weatherwax
Craycraft	Kenley	Mrvan	Wyss
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

NOT VOTING - 1

Skinner

INDIANA STATE SENATE

Roll Call Number: 397

Date: 03/14/2006
Time: 5:56:17 PM

SB 359

Hershman
Conference Committees Eligible for Action
Procurement and state public works.

Presiding: President

YEAS - 49 NAYS - 0 NOT VOTING - 1

ADOPTED

YEAS - 49

Alting	Heinold	Lutz	Smith
Becker	Hershman	Meeks, R.	Steele
Bowser	Howard	Merritt	Tallian
Bray	Hume	Miller	Waltz
Breaux	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	
Harrison	Lubbers	Skinner	

NAYS - 0

NOT VOTING - 1

Broden

INDIANA STATE SENATE

Roll Call Number: 401

Date: 03/14/2006
Time: 8:13:49 PM

SB 87

Jackman
Conference Committees Eligible for Action
Energy, agriculture, and energy development rules.

Presiding: President

YEAS - 49 NAYS - 0 NOT VOTING - 1

ADOPTED

YEAS - 49

Alting	Harrison	Lubbers	Smith
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Meeks, R.	Tallian
Bray	Howard	Merritt	Waltz
Breaux	Hume	Miller	Waterman
Broden	Jackman	Mishler	Weatherwax
Craycraft	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Young, M
Dillon	Lanane	Riegsecker	Young, R.
Drozda	Landske	Rogers	Zakas
Ford	Lawson	Simpson	
Gard	Lewis	Sipes	
Garton	Long	Skinner	

NAYS - 0

NOT VOTING - 1

Mrvan

INDIANA STATE SENATE

Roll Call Number: 404

Date: 03/14/2006
Time: 8:21:27 PM**HB 1240**Lubbers
Conference Committees Eligible for Action
Statewide testing program; mentor teacher stipends.

Presiding: President

YEAS - 48 NAYS - 2**ADOPTED****YEAS - 48**

Alting	Garton	Lewis	Simpson
Becker	Harrison	Long	Sipes
Bowser	Heinold	Lubbers	Smith
Bray	Hershman	Meeks, R.	Steele
Breaux	Howard	Merritt	Tallian
Broden	Hume	Miller	Waltz
Craycraft	Jackman	Mishler	Waterman
Delph	Kenley	Mrvan	Weatherwax
Dillon	Kruse	Nugent	Wyss
Drozda	Lanane	Paul	Young, M
Ford	Landske	Riegsecker	Young, R.
Gard	Lawson	Rogers	Zakas

NAYS - 2

Lutz	Skinner
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INDIANA STATE SENATE

Roll Call Number: 405

Date: 03/14/2006
Time: 10:59:04 PM**HB 1001**Kenley
Conference Committees Eligible for Action
Various tax matters.

Presiding: President

YEAS - 49 NAYS - 1**ADOPTED****YEAS - 49**

Alting	Heinold	Lutz	Smith
Becker	Hershman	Meeks, R.	Steele
Bowser	Howard	Merritt	Tallian
Bray	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	
Harrison	Lubbers	Skinner	

NAYS - 1

Breaux

INDIANA STATE SENATE

Roll Call Number: 406

Date: 03/14/2006
Time: 11:43:12 PM**HB 1008**R. Meeks
Conference Committees Eligible for Action
Public-private agreements for transportation.

Presiding: President

YEAS - 31 NAYS - 19**ADOPTED****YEAS - 31**

Alting	Garton	Lawson	Rogers
Becker	Harrison	Long	Steele
Bray	Heinold	Lubbers	Waltz
Delph	Hershman	Meeks, R.	Waterman
Dillon	Howard	Merritt	Weatherwax
Drozda	Jackman	Miller	Wyss
Ford	Kenley	Nugent	Young, M
Gard	Landske	Riegsecker	

NAYS - 19

Bowser	Kruse	Mrvan	Smith
Breaux	Lanane	Paul	Tallian
Broden	Lewis	Simpson	Young, R.
Craycraft	Lutz	Sipes	Zakas
Hume	Mishler	Skinner	

INDIANA STATE SENATE

Roll Call Number: 412

Date: 03/14/2006
Time: 11:59:34 PM**HB 1362**Delph
Conference Committees Eligible for Action
Local government reorganization.

Presiding: President

YEAS - 44 NAYS - 5 NOT VOTING - 1**ADOPTED****YEAS - 44**

Alting	Harrison	Long	Simpson
Becker	Heinold	Lubbers	Sipes
Bowser	Hershman	Lutz	Smith
Bray	Howard	Meeks, R.	Steele
Broden	Jackman	Merritt	Tallian
Delph	Kenley	Miller	Waltz
Dillon	Kruse	Mishler	Waterman
Drozda	Lanane	Mrvan	Weatherwax
Ford	Landske	Nugent	Wyss
Gard	Lawson	Paul	Young, M
Garton	Lewis	Riegsecker	Zakas

NAYS - 5

Craycraft	Rogers	Young, R.
Hume	Skinner	

NOT VOTING - 1

Breaux